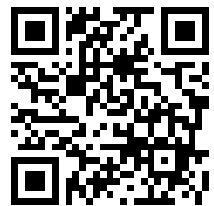

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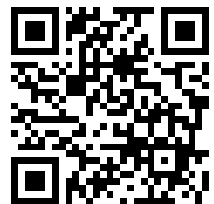
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THE ENGLISH HISTORICAL REVIEW

EDITED BY

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THE ENGLISH HISTORICAL REVIEW

NO. LVII.—JANUARY 1900

The Sienese Statutes of 1262

POPULAR knowledge of the Sienese constitution is usually confined to a fugitive remark by Philippe de Comines that it was the most wildly governed town in Italy. A step further leads to some slight idea of the several *monti* or factions, partly social and partly political, which periodically massacred or expelled each other, and then in an agony of repentance mutually embraced and combined in a coalition government. These compromises, if they did not by chemical action produce yet another *monte*, soon rendered the existing factions still more uncompromising; and naturally, for the contest was transferred from *piazza* to *palazzo*, where the atmosphere was more highly charged. Did not even the more celebrated feuds between the Orsini and Colonna usually begin across the writing-table of the papal consistory?

In strong contrast to this chronic condition of wild, whirling faction-fight is the apparition of the two most spiritual and attractive personalities of the later middle ages, of St. Catherine and St. Bernardino. War is the cradle of the peacemaker. Not only did St. Catherine employ voice and pen in the vain attempt to allay civic discord, but she laboured more efficaciously than courts or councils to close the schism in the church. St. Bernardino was throughout all central Italy the apostle of forgiveness to warring families and hostile classes. It is remarkable, also, that, in spite of unscrupulous exiles and a singularly unfortunate geographical position, Siena was the last of the larger land republics to retain her liberty, and that her death-struggle was yet more desperate and more glorious than that of Florence, so desperate, indeed, that the Sienese Maremma is still believed to bear its scars.

A peculiar feature of Sieneſe history is its impersonality. In this it reſembles the republic which at firſt ſight would ſeem to mark the oppoſite conſtitutional pole. There is this much in common between Venice and Siena, that both eſcaped the uſual fate of the Italian republics, the rule of a ſingle family. Siena did indeed, quite at the cloſe of the fifteenth century, accept the civic deſpotiſm of Pandolfo Petrucci, but, powerful and clever as he was, he failed to found a dynasty. Before the date of his aſcendency few Engliſh ſtudents of Italian history could mention the names of the leading houſes of Siena, whereas they could roll off a liſt of thoſe, not only of Milan and Florence, Genoa and Bologna, but of Faenza and Forlì, of Città di Caſtello and Perugia. The Sieneſe *monti* in no caſe bear a family name, ſuch as the Della Torre and the Viſconti, the Albizzi and the Medici, the Adorni and the Fregosi. They are either abſtract or numerical, expreſſing either a claſs, or elſe the numbers of the ſucceſſive committees of government. The latter alſo have really a claſs ſignification; they are deſcending ſteps towards the depths of democracy. It is true that the Twelve, the *riſformatori*, the *popolo*, when they form the actual governing committee of the ſtate, are not always excluſively compoſed of one ſocial order; but it may be ſafely aſſerted that one order, and this the loweſt repreſented, pulled the wires.¹

It has been ſaid that the Sieneſe conſtitution was continuously in ſuſpenſe, that the normal governmental organs were replaced by a ſucceſſion of *balias*, of extraordinary quaſi-constitutional expedients.² But, after all, the ſtrength of Venice reſted on ſuch an expedient outside her conſtitution, the celebrated Ten, which was annually renewed. This ſolitary experiment was ſo ſucceſſful that it laſted her throughout all time, though the three Inquiſitors had ſome tendency to become *balia* within *balia*. Venice, however, had this great advantage, that a large proportion of her population were aliens, whoſe object was money-making, and who preferred peace to politics, whereas no inconsiderable ſection of her natives was afloat. Had Venice been turned inward on herſelf, the taſk of government would have proved more difficult, and constitutional experiments been more numerous. Siena was unfortunate beyond moſt towns of Italy. To north and eaſt ſhe was hemmed in by the territory of Florence, whom Nature predeſtined to be more powerful than herſelf; range upon range of tumbling hills ſeparated her from the Chiana, the natural junction canal between

¹ For the *monti* of Siena an article by Ceſare Paoli may be conſulted: *Nuova Antologia*, 1 Aug. 1891, ſeries iii. xxxiv.

² The diſtinction between a *balia* and an office would ſeem to be that the former is technically temporary, and that while officials are ſubject, on the expiry of their time, to the regular board of audit, the *balia* is directly reſponsible to the council which appointed it.

the Arno and the Tiber; her way down the fertile valley of the Elsa was barred by the contraction of the river between the frowning heights of Poggibonsi and Poggio Imperiale; the stronghold of the Florentine feudatories, the Ricasoli, spied almost over her very walls. Southwards her territory lay along the papal frontier, where the warlike houses of Orsini and Conti not only held their own, but harboured the successive swarms of exiles who were a recurring menace to the state. Westwards, indeed, towards the sea, the way was clear, but Dante has held up to scorn the vain struggle to create a port among the silting sands of the unwholesome coast. Moreover, what could she export? Standing high and dry among the hills, Siena had no adequate storage of water, and from lack of this she fell behind in the race for the supply of woollens, on which Italian trade of the thirteenth and fourteenth centuries depended. Siena, deprived of the natural occupation of Italian cities, had nothing left but politics; and politics, it must be confessed, gave plenty of annual amusement, and checked the undue increase of a population which the decline of commerce made it difficult to feed.

Siena was in fact outpaced by other towns, and in losing her prosperity she lost her temper, becoming the victim of that nervous excitability for which she has remained a byword. This was not always so, and it is pleasant to go back towards that age of relative calm which witnessed her first formal constitution. The text of this constitution has been published by Professor Zdekauer, whose wide knowledge of the comparative history of Italian municipalities admirably equipped him for the task;³ the plan of the work is indeed modelled upon his excellent edition of the 'Statuti Pistoiesi.' The statutes now printed are ascribed by their editor to September 1262, while no less than one hundred and ten additions or emendations are registered in the margin between 1264 and 1269. The constitution, however, contained little that was novel; not a few of the statutes date from the Emperor Henry VI's charter of 1186, whereas some may be traced to 1179. Professor Zdekauer

³ *Il Constituto del comune di Siena dell' anno 1262* pubblicato sotto gli auspici della facoltà giuridica di Siena da Lodovico Zdekauer (Milan: Hoepli, 1897). This volume contains only the first three *distinctiones* of the constitution and part of the fourth, the manuscript being imperfect. Professor Zdekauer has, however, printed elsewhere the remainder, save the conclusion of the fifth *distinctio*, from another manuscript, which appears to be a continuation of the former. This may be found in the *Bullettino Senese di Storia Patria*, anni i, ii, iii, and is separately printed under the title, *Il frammento degli ultimi due libri del più antico Constituto Senese, 1262-1270* (Sienna: Lazzari, 1896). An excellent review of these two works has been written by Gaetano Salvemini in the *Arch. Stor. Ital.* series v. xxi. 1898, no. 2. Professor Zdekauer has utilised his publications for two interesting lectures delivered before the tir.e-honoured Academia dei Rozzi and since printed: *La Vita Pubblica dei Senesi nel Duecento* (Sienna: Lazzari, 1897); *La Vita Privata dei Senesi nel Duecento* (Sienna: Lazzari, 1896).

describes the statutes as the aggregate of the *brevia* which embodied the functions of the several magistracies. He believes that it was intended to set an official seal on the successive victories which the *popolo* had wrested from the *comune*. The people arrived at the consciousness of its political power in the middle of the thirteenth century. Yet it did not place itself in sharp opposition to the *comune*, nor even in very sharp opposition, until a later date, to the *milites*; but, finding its ambition for a larger share in the constitution checked by the communal administration, it organised itself apart; it ventured on what may be described as a secession. Thus the people had its captains to correspond to the official *podestà*, its council of 150, and even its legislative committee of nine *emendatori* in imitation of the thirteen *emendatori* of the state. In 1255 it set up its own bell on the plea that the bell of the *comune* could not be well heard.⁴ It is a peculiarity of Siena that this organisation does not rest upon the Arts, but on the *societates armorum*. This is the more singular, inasmuch as these societies were probably not indigenous; at least it is strange that the very names of those of Bologna are reproduced. They were not, indeed, exclusively popular, for the *milites* also were enrolled in them, and some societies refused to recognise the corporate existence of the people. But they gave to the growing organisation at once a military and a financial backbone, which was all the stronger since these companies were frequently connected with old local divisions. In other cities the tendency was that the trade grouping should supplement or supersede the local grouping, but in Siena the three quarters and their thirty-five *contrade* or districts retained, and to some extent still retain, their full importance. More than this, the three sections of the territory, the *contado*, correspond to those of the city from which they radiate.

The people, thus militarily and financially fortified, commanding no doubt a majority of the *contrade*, enjoying a complete political organisation and recognising in its captain a single leader, proved too strong for the parallel organisation of the *comune*. This is only another illustration of the principle, almost universal in Italian life, that the official powers sank before the unofficial. The cause was the jealousy of the executive, and the result the subservience of the executive to an irregular tyranny, whether of a monarchical, an oligarchical, or a democratic type. Retribution usually followed, for if the unofficial organisation became official, it inherited the weakness of its predecessors, and if not, it almost invariably split within itself. Nevertheless, the temptation was strong, because to the victors went the spoils. The question at Siena was by no means academic. The new system of taxation — the valuation of income, *estimo*, followed by the assessment at so

⁴ The organisation of the *popolo* is said to have been borrowed from Genoa.

much per cent., *allibramento*—was indeed itself a democratic measure, superseding the old hearth-tax. Nevertheless it might easily prove burdensome alike to the poor and to those whose wealth consisted in movables; both these classes would consist mainly of *popolani*, who therefore had a material interest in victory. It is characteristic that the annual assessment was entrusted to the council of the people acting jointly with that of the commune.

The conquests of the people extended in two directions: first, it won its way into at least an equal share of the communal council and the magistracies, and secondly, the statutes which it had made for itself were incorporated, often *en bloc*, in the constitution of the state. In Professor Zdekauer's phrase, the people had superimposed itself upon the commune. The term *Constitutum communis et populi* was soon to become tautologous, but in 1262 it still expressed a real dualism of which there are many traces in the statutes. Corresponding to the *podestà*, the *judex*, and the *camerarius* of the commune are the captain, the *judex*, and the *camerarius* of the people. Commune and people each has its notary, its crier, its messengers; each possesses a general and a secret council, and provisions are made for a common session of the two larger and smaller bodies. The possibility of a deadlock owing to disputes between *podestà* and captain was foreseen, and in such case on the consuls of the merchant guilds and the prior of the Twenty-four it was incumbent to compel the subordinate magistrates of either body to perform their duties. The settlement of disputes was submitted to the arbitration of the councils of the commune and people, summoned to a common session by the same authorities.

The statutes already show democratic influence in the jealousy of magisterial power: the term of office was reduced from a year to six months; the audit at the close was more severe; there was less trust in the justice and honesty of officials, more precautions against electoral fraud.⁵ On the other hand, the conservative aristocratic element is still powerful. The *podestà*, and not the captain, is technically the chief sovereign authority, the *signoria*: the council of the commune is by no means subordinated to that of the people: the three *domini* or *consules militum*⁶ sit in almost all important state committees with the priors of the Twenty-four and the consuls of the merchant guilds, and, like these, cannot be punished by *podestà* or captain for freely expressing their opinion. In this sturdy survival of the aristocracy consists, as Signor Salvèmini well points out, the peculiar importance of these statutes;

⁵ *E.g.* the provision that in the election of officials the members of the *concilium campane* must draw their slips with the right hand open and the fingers apart.

⁶ *Militēs* and *popolo* were not perhaps mutually exclusive terms, but the former undoubtedly belonged mainly to the older gentry.

while the few earlier constitutions of Tuscany are far more rudimentary than this, the later are characterised by the exclusive predominance of the people.

If the constitution of 1262 marks a fresh victory of the people, it is also the triumph of the lawyers. Its arrangement seems to be peculiar to Siena, the five *distinctiones* following closely the method of the code of Justinian. Thus in the first are found the statutes relating to the church, and to what may be called the fabric of the state; the second comprises the machinery and principles of the courts of civil law; the third treats of the interests of the town, the fourth of those of the individual; the administration of criminal justice is the subject of the fifth.

To the historian the first section is the most interesting, and it carries him far back beyond the ostensible date of the constitution. Traces survive of the old authority of the bishop and of his close connexion with the commune. He still possessed the power of revising the legislative proposals of the *emendatori*; he was the arbiter in disputed interpretations of the statutes. On a vacancy the state accounted to the archdeacon for the revenues of the see; on it devolved the protection of the property of the cathedral and the neighbouring hospital, the responsibility for repairs, the buying of houses to enlarge the cathedral square, the erection of benches for the convenience of the people who there congregated. Nor did this exhaust the ecclesiastical functions of the state; the friars made large claims upon its hospitality. Very frequent were the gifts of bricks and lime, of wood and oil, even of clothing, to Dominicans and Franciscans, to nunneries and hermitages, to brotherhoods and sisterhoods and leper refuges. The last statute on this head has a peculiarly historical interest, providing, as it does, for the foundation of a church on the site of the great victory of Montaperti, won two years before the issue of the constitution. The state was the guardian of the people's orthodoxy. The *podestà* was bound by oath to expel from city and territory all accused of heresy by the bishop and chapter, and to confiscate their goods, which were divided among the poor, unless indeed a moiety were retained for communal purposes. Severe penalties attached to any who harboured such heretics in his house, garden, orchard, or field. Heresy was *a fortiori* a disqualification for office. We seem to be reading a writ of Mary Tudor in the clause that candidates for the council must be good men of the catholic sort and not suspect of heresy.

The *concilium campane* had by 1262 almost superseded the old popular assembly, the *parlamentum*. Of this latter, indeed, as at Florence, considerable jealousy is displayed. Neither *podestà* nor captain might summon a *parlamentum* without the assent of two-thirds of their respective councils, and any proposal which he

wished to make must be similarly approved. Nor again might the *podestà* tender his resignation in a *parlamentum*. These precautions were an undoubted check on the possibility of the chief of the executive founding a *tyrannis* upon the acclamation of the masses assembled in the cathedral square. In the *parlamentum*, however, were given the banners to the three companies of horse and three of foot, and in its January meeting notices of debts due to foreigners and of sums advanced to minors were here read, and certain ordinances published. Curiously enough, several magistrates could by statute be elected either in council or in parliament.

The real representative of the state was now the *concilium campane*; it elected the chief officials, it gave its assent to legislation, it altered from time to time the whole character of the constitution. Three hundred members, who had been tax-paying citizens for at least ten years, formed this council, but its numbers could be indefinitely increased by the addition of a *radota* or *afforcement*, nominated by the *podestà*, the consuls of the merchant guilds, the priors and the *domini militum*. This expedient, not unusual in Italian municipalities, seems to have been designed as a means of testing public opinion, and of widening, and so weakening, ministerial responsibility, of which Italian administrations were terribly afraid. It was, perhaps, a necessary corrective of election by lot and of the numerous disqualifications for office, by which those who were by character and position the best fitted were excluded, because they had recently held it, or because a near relation was now a member. The *radota* of Siena has its parallel in the more famous *zonta* of Venice, except that there the *zonta* became a fixed portion of the senate instead of an arbitrary addition thereto. The same principle was at the root of the Florentine system of summoning a *pratica* of leading citizens. This informal meeting, entirely outside the normal constitution, usually decided the policy of the government, and became by tradition so integral a part of the city life that the omission of the gonfalonier Piero Soderini to summon a *pratica* was almost regarded as unconstitutional.

The council was not a popularly elected body; its members were nominated by the *podestà* with the aid of the *judex*, the *camerarius*, the four *provisores*, the consuls of the two merchant guilds, and the priors of the Twenty-four. Among the three hundred were, however, included *ex officio* the above-mentioned consuls and the masters of the Art of Wool.

The political unimportance of the Arts in general is a peculiar feature in the constitution. That of judges and notaries was of course indispensable to the administration of a state whose cornerstone was Roman law, and the monopoly of knowledge by this

Art gave it a virtual veto upon legislation apart from a lion's share in its initiation. Yet it had no admitted place in the constitution, and the only Arts which were directly represented were that of Wool in the persons of its *domini*, and the *arti di mercanzia*—the guilds, that is, which regulated the foreign trade, the imported wool, the drugs and spices, the banking and exchange. Consuls of other Arts were admitted at most to an occasional *radota*. Those, however, of the two merchant guilds were almost as powerful as the priors of the Twenty-four, with whom they are constantly associated. They had even independent power of setting legislative machinery in motion, for with the consent of eighteen members of their Art they could require the *podestà* to summon the *concilium campane*. On several occasions the statutes mention a smaller *concilium secretum*, both of the commune and of the people, but there are no provisions relating to their composition. It is possible that in each case it consisted of the officials, consuls of the merchant guilds, priors of the Twenty-four, and *domini militum*, who are frequently found acting in concert with the *podestà* or captain. At all events the smaller council is in a low stage of development.

Chief among the officials elected in the council was the *podestà*. Electoral methods at Siena were simple, but the election of the *podestà* was slightly more complex than that of other magistrates. For the election of the *emendatori*, for instance, each member of council drew his slip of paper, and those who drew the three upon which were marked the letters A Ω became the electors of this magistracy. In the case of the *podestà*, however, these three members nominated three others, who then laid before the council the names of four qualified foreign gentlemen, whom the council then placed in order of merit. The *podestà* had succeeded early in the century to the authority of the consuls; he first seems to have been introduced for the purpose of conducting the inquiry into the conduct of the consuls on the expiry of their term of office. These statutes prove that it was still theoretically an open question whether the *signoria* should be conferred upon a *podestà* or consuls, and if upon a *podestà*, whether he should be a native or a foreigner. It is needless to say that the *podestà*'s powers, military or judicial, legislative or executive, were hedged in with the uttermost precaution; a short half-century saw the office in full decline. Here, as elsewhere, the handsome salary must have been the chief temptation to the lesser Italian gentry; an interesting comparison might be drawn with regard to the social and economical bearings on this class of official service under the crown in Spain and under the sovereign municipalities in Italy. Professor Zdekauer points out that the influence of the university of Bologna must have been widely spread by this system of foreign *podestàs*,

and that it must have largely contributed to uniformity of administration.

It has been said that Siena was never governed by its normal constitution, but always by the provisional committees termed *balias*. This is in great measure true, for even the *concilium campane* was originally a *balia*. More peculiar, however, are the three chief magistracies of the thirteenth century, the *biccherna*, the *emendatori*, and the Twenty-four. All these, created for special purposes, became, like the Ten at Venice, permanent parts of the constitution, enjoying a portion of the sovereign authority. The unusual respect paid to the administration at Siena is attributed to the very fact that these bodies were not artificial creations of the constitution-maker, but institutions the utility of which was gradually tested. The history of the most celebrated of all *balias*, the Venetian Ten, would seem to bear this out; the predominance of family cliques over the constitution at Florence may possibly be ascribed to the weakness of her *balias*, numerous as they were; at all events the *balia* here became the mere expedient of the dominant family group to increase its power at the expense of the constitution; even the *parte Guelfa*, which was a whole constitution in itself, after becoming the sport of a party, lingered on only as an unmeaning survival.

The thirteen *emendatori* were elected by the council, and their function was within eight days to draft bills, which might afterwards become law by the assent of two-thirds of the council. An annual revision of the working of the statutes was thus secured, for the committee could initiate legislation either *proprio motu* or on petition. Elaborate precautions were taken that its members or their servants should not be 'got at' during the process of incubation.

The *biccherna* was, until the rise of the Twenty-four, the most important administrative office in Siena. At its head stood the *camerarius* and the four *provisores*, who were supreme in all departments of finance, virtually superseding the older *gastaldi*, and having under them various committees of receipt and expenditure. The office is an admirable instance of the development of a *balia*. It was originally appointed for a stated term to report to the *concilium campane*, which had the sole right of decision. But the importance of its business converted the *biccherna* into a powerful magistracy, acting on its own responsibility, governed by its own regulations, and receiving a stated salary. Thus, although the *personnel* changed every six months, the office had become an integral part of the constitution. The *camerarius* and the Four, themselves elected in the council, appointed a large number of minor officials and commissioners. The mint, *bulgano*, which at Siena was admirably organised, was distinct from the *biccherna*

and, as elsewhere, was in some measure controlled by the *mercanzia*. The advantages of this are obvious. The coinage was not at the mercy of the government, who might tamper with it for fiscal purposes, but was under the care of a body whose interest in foreign trade secured a high standard.

The power of the *biccherna* somewhat waned with the rise of the Twenty-four. This *balìa* originated only in 1240, but had by 1262 become the dominant authority. Half its members, at least, were *popolani*, and the people, seeing in it the best instrument of their ambitions, increased and strained its powers to the uttermost. Its activity is everywhere seen; it superintended the suite of the *podestà* and could dismiss his *judex* or his knight; it directed the election of the captain and formed a court of appeal against his decisions; it had no small share in legislation, for the whole body formed part of the *concilium campane*,⁷ while two of the three priors, who presided for a month in turn, had seats in the captain's council. The priors, as has been seen, assisted the *podestà* in the election of the *concilium campane*, and with the consent of the Twenty-four might demand that the council should be summoned. Sentences of banishment passed by the captain in conjunction with the Twenty-four had the same validity as those of the *podestà*. The climax was reached in a statute added later to the constitution of 1262, providing that the priors might hold a secret council without the presence of *podestà* or captain, and that any proposals of this council for the benefit of the commune or the people must be executed by the *podestà* or captain. The composition of the Twenty-four is as obscure as the method of its election. Professor Zdekauer thinks with Signor Paoli that half the seats were open to nobles; Signor Salvèmini believes that it was exclusively popular, that it formed, in fact, part and parcel of the organisation of the people as opposed to that of the commune. Such evidence as there is seems to us to point against this latter view; although the priors are sometimes found in close association with the captain, the direct part which they take in the communal constitution is against the view that they formed an integral part of the rival organism. The body was called, in 1256, *Viginti-quattuor partis Ghibelline populi civitatis et comitatus Senarum*; it owed its original importance, not to social divisions within the town, but to the great political division which ran through Italy; its later power over the constitution, like that of the *parte Guelfa*, was probably unintended and unforeseen. It is improbable that an organisation created for the purpose of directing the forces of

⁷ Professor Zdekauer states this fact in his Introduction to the *Costituto*, p. lxx. but we do not find any evidence for it in the statutes, and he omits it in his *Vita Publica*.

the Ghibellines should have excluded the more wealthy and military class from its ranks.

The above sketch is very far from exhausting the list of magistracies and committees for which these statutes contain the regulations. The number of citizens constantly employed in state service was very large, and if this gave wide political experience, and in many cases offered opportunities of earning money, yet it must frequently have been regarded as a burden. Hence it was necessary to compel citizens to accept office under threat of a fine; and for a citizen to swear that he would not take office was a punishable offence.

Distinctio II. lies mainly outside the scope of this article, as containing a code of private law with few unfamiliar features. Its administration, as the editor remarks, had been in the past a weak spot in the Sienese economy. It was found necessary to insist upon the principle that justice should be rendered continuously. The *podestà* was of course the chief judicial officer, and he was assisted by a foreign judge and had considerable powers of delegation. Most of the work was, however, done by elective committees or judges. Such were the *judex populi* and the *judex maleficiorum*, while many civil cases were heard by the *consules placiti*, an elective body, one of whom, at least, must know how to read and write; but they, too, had powers of delegation to three experts.* Of some importance were the *consules dominarum*, who dealt with litigation between or against women, for no woman was allowed to approach the *podestà*'s palace, and he was rigorously forbidden to take any notice of their suits. The notorious beauty and fascination of the Sienese women perhaps made it necessary to guard against the susceptibility of a foreign magistrate, but it is strange that the legal position of women was not as good at Siena as elsewhere. With a great deal of contentious matter the state was not directly concerned; commercial cases were tried by the *mercanzia*, while many disputes were settled within the citizens' guild or company of arms. An interesting application of the principle of arbitration is the duty of the captain and prior of the Twenty-four to elect a board of arbitrators to decide in a dispute between members of an Art or Arts, society or societies, unless the parties preferred to compromise. This, from another point of view, may be compared with the practice of appointment of special commissions for criminal cases as they arose, which was usual earlier in the thirteenth century. The city was jealous as to the independence of its courts. No citizen was allowed to plead before a foreign court, and no ecclesiastic might intervene in a secular suit.

If the growth of the political organism is traced in the previous

* This institution is believed to have been derived from Pisa. It is noticeable that Florentine influence is scarcely to be seen in these statutes.

sections of the constitution, the outward aspect of its local habitation receives ample illustration in *Distinctio III.*, for this contains the regulations of what may be termed the public works and local board departments. The elaborate provisions for the walls, the gates, the streets and markets, show a standard of cleanliness and order which the nineteenth century finds difficulty in reaching, although Siena may still boast a high character in this respect. No private drains might issue on the roads or walls, and they must only be cleaned by night; no slops might be thrown into the street, but must be conveyed from the house, in properly covered drains. The erection of buildings projecting over the street was prohibited, as were the outside staircases which still make Viterbo so picturesque, and doors and windows which opened outwards, to the inconvenience of passers-by. This latter provision has only recently been imitated by our county councils in respect of field-gates. Siena was justly proud of her paving; the glories of her cathedral floor were a fitting climax to the care which she bestowed upon her streets. Even the side alleys must be paved in order that mud might not be carried on to the pavement of the main arteries; every householder must sweep the portion abutting on his house. Waste places round the town were ordered to be planted with quick-growing trees, of which the varieties are named. The market was protected from encumbrance by heaps of brick or wood, was properly cleared of manure after a sale of stock, while rigorous penalties were exacted from those who committed nuisance.⁹ No slaughterhouse was allowed in a street where meat was sold. Landlords were forbidden to let to improper women, to panders, or gamesters. The state had power to buy houses for street improvements, but not without the owners' consent. The principle of betterment was, however, fully recognised, and the inhabitants of the districts affected were assessed for street improvements. On the other hand, owners of houses were compensated for loss by fire. A provision, much to be recommended to modern Italy, states that the names of streets should not be arbitrarily altered by the authorities.

Siena's great difficulty was, as readers of Dante know, the supply of water. Committees were formed to search for water, and numerous regulations provided for its storage and protection. The Fonte Branda was guarded from pollution by day and night. The Fonte Follonica was partially filled with stones because its great depth produced stagnation and a taste of sulphur. No wool, nor hemp, nor flax could be washed in any public fountain or tank, nor might the inhabitants paddle or dangle their legs therein.

⁹ Professor Zdekauer, in *La Vita Pubblica*, appendix, gives the lease of the *gabell* for the cleaning of the Campo in 1296. The lessee was allowed to keep a sow and four little pigs to consume the sweepings. He also had the privilege of crying the notices of feasts, lost property, strayed beasts, masters in the schools and doctors.

Drinking-troughs were protected against infection by orders against the movement of animals suffering from a disease which resembled that of foot and mouth. Every parish priest was requested to provide a tank to catch the precious rainfall from his church roof, and compulsion only stopped at the barrier of the bishop's jurisdiction. Bread was as necessary as water, and provision was made for the regular supply of flour—no slight difficulty; land could be compulsorily acquired for the erection of mills, while the transport of grain to the capital was sedulously guarded. Numerous statutes relate to the superintendence of roads and bridges in the province, especial attention being paid to those which led to the baths of Petriolo, Macerolo, and Vignone. These baths were through long generations a source of profit to districts otherwise unproductive; they attracted a somewhat motley population, and state regulation was eminently necessary. The pockets and the morals of the visitors alike received consideration. The tariff for beds and other conveniences was fixed by authority, the food supply ensured, the baths properly cleaned twice a year. Bad characters were warned off, a church was ordered to be built, and the male bathers were separated from the women by a substantial wall, a decency not observed in other quarters until centuries far later. Much attention was devoted to forestry on the communal property; precautions were taken against fire and trespass; the *Lacus silvae* was protected against fishing without ticket. The clergy would seem to have been the most inveterate poachers, but this may charitably be attributed less to their love of sport than to their observance of the fasts.

This *Distinctio* also includes the statutes which relate to the fortresses and subject towns in the Sienese territory. The provincial townships, or the lords to whom they might belong, were permitted to elect the rectors, but if they failed to do so the *podestà* of Siena nominated them in the council. There are signs of a certain jealousy, for there are regulations against *compagniae* or *societates* to the prejudice of the capital. No captain of the people might be elected in a town where there was a rector; the creation, that is, of the parallel administration of the people which was revolutionising Siena acted as a warning against provincial imitation. It must be remembered that such associations and political growths were invariably connected with the feud of Guelf and Ghibelline, and although the people in Siena were still Ghibelline, in the province it might well be otherwise; at all events, a local conflict between people and commune would inevitably be merged in the all-pervading struggle, and this implied the introduction of foreign influence. Hostility to subject towns was carried farthest in the case of Montalcino. This town, destined to be the last refuge of Sienese liberty, was in these statutes ordered to be destroyed.

In *Distinctio IV* are contained the obligations of the state towards the citizen. At Siena citizenship was liberally granted with a view to the expansion of the capital. Apart from villains, any native of the province could become a citizen by residing for four months and engaging to pay the city rate; a foreigner, however, required a vote of two-thirds of the council. Villains were not permitted indiscriminately to desert their homesteads for the town; those of a resident in Siena might migrate if three were left in the homestead, or one if the master were not a citizen. A settler on whose villainage reasonable doubts were cast by qualified and disinterested persons was compelled to give security to the claimant lord, but a prescription of ten years was accepted as proof of freedom. The population of the capital was clearly a matter of grave anxiety, for a commission was appointed by statute to select one hundred country gentlemen of the better, nobler, and richer sort, who were to be bound to become citizens and to build houses in the town. Another statute prohibits the 'boycotting' of a resident in the country who has become a citizen; his late neighbours are forbidden to refuse him fire or water, or to decline to speak to him, under penalty of a fine for each repetition of the offence. High importance was attached to the victualling of the capital. Special protection was accorded to all who brought comestibles to Siena. The city was hedged in by noble feudatories of the empire, men of German birth or German manners; those of the Maremma and the district towards Volterra having a peculiarly bad reputation; the statutes do not hesitate to speak evil even of the bishop of Volterra. Against such the state pledged itself to suppress any unlawful tax or toll on travellers by road or river. On the other hand Ghibelline Siena accorded her protection to all fiefs, jurisdictions, or rights to service granted by the emperor. The integrity of the territory was guarded by a provision that no land on the frontier might be sold to a foreigner. The state imposed its arbitration in the case of disputed boundaries between noble houses or provincial communes; the process was by inquest of twelve honest men, cognisant of the local circumstances and unconnected with the interested parties.

The citizen received much protection from the state; it aided him in the recovery of debt or of property stolen or withheld. On the other hand, individual liberty was more carefully guarded than elsewhere; the citizen might build or heighten his tower without interference, unless legislation were applied to all towers indifferently. From this it would seem as though the conflict between the people and the noble residents of the towns was not yet acute, although at an earlier date there is mention of a *pena turrium* inflicted by the people. Individual liberty was not extended to the subject of

education : to encourage students to teach who had taken degrees at Bologna, the local masters were required to take their pupils to their lectures and to give instruction under their direction. This was done with a view to the due organisation of learning and the prevention of the use of the title of master without due qualification. Magister Tebaldus, *fons vivus gramatice facultatis*, had been tempted by a large stipend to Arezzo, and to remedy this disgrace to the commune and people of Siena it was enacted that he should be invited to return at an increased salary, and that he should be quit of all rates and taxes and service with horse and crossbow. In these provisions Professor Zdekauer piously recognises the cradle of his late university. Siena was apparently already attracting foreign students, for these receive the especial protection of the state for person and property. Immediately following this clause is a provision which compels a doctor or surgeon to admit to the patient's bedside another practitioner if the patient or his friends so desire. Professional jealousy was doubtless as old as was the profession.

The contents of *Distinctio I* are rightly described as being rather a collection of police regulations than a scientific code of criminal law. It is precisely this defect which makes it of such supreme interest to the historian, for these regulations arise from the more pressing needs of daily social and political life. The lawyer is here much less prominent than in *Distinctio II*, for criminal law is more chameleon-like in adopting the colour of time and place. Lawyers under favourable circumstances may make civil law, but in a turbulent society criminal law makes itself. It is only an apparent contradiction that criminal law is in some cases singularly conservative. Crime usually determines in the poorest class, but it was originally congenital in the most powerful ; if it is ultimately hanged in rags, it was primarily cradled in purple. Thus while the civil code of Siena is mainly Roman, the criminal regulations are impregnated with Germanic influences ; there is perpetual play and counter-play between the privileges and passions of a Germanic aristocracy. Penalties usually take the form of a pecuniary composition, and even when the crime is clearly against the state and against morality the law is in favour of the rich. There is of course no hard and fast line between civil and criminal cases, but the confusion is not between *Distinctio II* and *I*, but between *Distinctiones I, III, IV*, and *V*. In the heated atmosphere of an Italian city provisions against crimes of violence were most numerous and most necessary. The *podestà* was pledged to take every precaution against the bearing of arms and inciting to riot. The throwing of missiles from palaces or towers was a common source of faction fight ; this practice was therefore severely fined, and in default of payment a portion of the town

corresponding to the value of the fine was demolished. But it was equally provocative, and therefore penal, to take the offensive against the tiles, the doors, or the characters of the inhabitants of the towers.

The scale of penalty for cutting and wounding was, as usual in Germanic law, elaborate, drawing distinctions between a blow in the face, the throat, the chest, between blood and bruise, between the gouging of an eye and the mutilation of the hand, foot, or nose, and so also between weapon and tile and stone and between fist and foot. Murder was punished by death, and even wife-murder entailed exclusion from all enjoyment of the deceased's dowry or succession: otherwise the law was liberal to quarrelsome relations; for husbands, fathers, grandfathers, uncles, brothers, and indeed relatives to the fourth degree might inflict castigation without punishment. It was, moreover, lawful to strike if a citizen was injured by a passing animal or its pack, if he found a man stealing his property or that of his friend, neighbour, or master, or throwing stones at the windows or roof of his house, or putting bones or horns or filth or insulting literature against his door, while public singers who sang insulting songs merited not only blows but fines. The law was lenient towards those who in the games in the *Campo* killed or wounded without malice. These games had, however, become pitched battles, and the stone-throwing not only killed men but broke tiles, for which reason they were suspended for six years, nor could the *podestà* revive them without consent of two-thirds of the council. The women of Siena were as quarrelsome as the men. They would call each other insulting names, scratch or wound or drag their enemies by the hair, push them down or trip them up, knock the head-dress off or set it all awry. Arson and pillage were apparently not uncommon in the country districts, and the incendiary was not unknown even within the town, where in default of an enormous fine he was himself burnt, if only he could be caught. Provisions against trespass and poaching are more numerous and elaborate than those against ordinary thieving; indeed, tame pigeons appear to have been the most tempting form of property. The regular staff of police consisted of twelve men, but constables were also annually elected to watch over the fields and vineyards.

Among offences against morals, gambling assumes a prominent place, and inasmuch as it was the cause of numerous crimes, and reduced rich men to poverty, every citizen was bound to inform against offenders. Games of chance were forbidden, except in the public street, and in private houses on Christmas and Easter nights. Not only were the gamblers severely punished, but those who lent their houses or instruments of play, or made a profession of lending money for the purpose, were yet more severely dealt

with. The latter, in addition to the penalty, were deprived of the security which the gambler had given for the loan, and in fact the gambler's own gains were taken from him and restored. Prostitutes were allowed to live in Siena and its territory, but not near churches, while panders were stringently forbidden. Scandals of a less professional character were due to the visiting of churches on the eve of Lady-day, and in consequence citizens were enjoined to keep the company of their neighbours, to carry candles, and not to go at night by torchlight. The bigamist was somewhat leniently treated: he was excluded from Sienese territory until he returned to his senses and his lawful spouse; a similar penalty was inflicted on him who contracted himself out of cohabitation by a voluntary arrangement with his wife. The exposure of infants was a comparatively slight offence. Attempts at abortion, witchcraft, the administration of potions to cause love, death, or hate, and supposititious birth were all alike heavily punished by 200 libras; but for elopement or abduction hanging was the penalty, if the pecuniary composition were not paid.

Taverns were rightly regarded as the source of many abominable offences, not fit for thought, much less for language. Hence no one was allowed to sell wine except the regular innkeeper, and he only to *bona-fide* travellers, unless, indeed, such travellers invited citizens to dinner. This did not, however, prevent a citizen from selling the produce of his own vineyard, either wholesale or retail; but it must not be drunk on the premises, nor must he buy wine to re-sell as his own. Another safeguard against crime was the penalty attached to citizens found in the streets after curfew, unless they were running to a fire, and to those who disguised themselves by covering their faces or wearing their clothes inside out. The sumptuary laws limited the expenses of newly made knights in the matter of food and dress; the cook was required to give his services for a week at a reasonable wage, and both the knight and his *chef* were punished if this was exceeded. A similar supervision was exercised over marriages, wedding presents, and funerals, while several clauses are directed against the professional *joculatores* who caused both expense and annoyance on festive occasions and bothered strangers staying at the inns. It is pleasant to find liberty of labour protected, and the thirteenth-century representative of 'picketing' stringently repressed.

Several clauses in *Distinctio V* go to prove that the constitution is rather a collection of *brevia* than a strictly scientific code in which the *Distinctiones* are mutually exclusive. Heresy is here more severely punished than in *Distinctio I*, for the *podestà*, under pain of losing his salary, is ordered to burn Patarenes (*consolati*), whom at the request of the bishop and friars he has examined. Again, unnatural vice, which was in *Distinctio I* treated, as

it often was, in the clause relating to heresy, is here quite separate. The rich man could escape on payment of 300 libras, but in default of payment the offender was subjected to a cruel but appropriate form of hanging. Many clauses intended to safeguard the purity of elections and officials are comprised in *Distinctio I*, but in *V* we have the penalty for direct bribery. The corrupt official was fined 100 libras and permanently excluded from office, while the successful briber was unpunished. But if the latter was unsuccessful, he in turn was mulcted of 100 libras and also the amount with which he had tempted the official. A permanent committee was elected to investigate all such cases.

The sanitary measures of *Distinctio III* for keeping the streets free from offensive matter or noisome trades here reappear with some additions. Furnaces for pottery or glass manufacture, suet and tripe factories, the loading of mules, the passage of pigs, the presence of lepers, all rank among unlawful nuisances. No groom might gallop a horse in the town without his master's order and a warning cry of *leva, leva*.

In *Distinctio I* there are regulations against the purchase of bricks for re-sale, and on the quality, price, and manufacture of bricks, tiles, and lime. But in *V* there are similar clauses against the sale by middlemen—that is, by the greengrocers—of poultry, eggs, game, fish, eels, and fruit, all of which must be bought direct from those who brought their produce to the town. Butchers were liberally treated and freed from the supervision of any guild; they were allowed full freedom of sale, provided that their beasts had not died a natural death, and that they did not sell one kind of meat for another, a provision which is repeated from *Distinctio I*.

The provisions relating to procedure may conclude our summary of this section. Criminal cases of a serious character could not be tried in the country, except in the territories of such lords as had undoubted jurisdiction. To every inhabitant of the country was given the privilege of suing in the town court without let or hindrance from any lord, rector, or other official of the dependent townships and castles. While penalties were in almost all cases pecuniary, torture was not nearly so common as it afterwards became; it was confined to highway robbery, forgery, treason, and the like, where there was reasonable suspicion or notorious bad character against the accused; but such suspicion or character must be attested by ten good and lawful men, and their verdict approved by a judge of the commune. In several cases the accused has the choice of procedure by jury or by *duellum*, and the commune has its own champion. In *Distinctio II* this choice is not always given, and the defendant challenges the plaintiff to the *duellum*, which may be fought either by the principals or their champions. In the criminal clauses there are no regu-

lations as to the *duellum*, while those relating to the jury are very definite.

It would almost seem as if some presentiment prompted the compilation of this elaborate constitution, which was the summing up of the history of the past century. It was, indeed, the swan's note of Sieneese greatness. The people used its power to pull down the fabric into which it had striven to gain admission. In 1270 it destroyed its own chief instrument, the Twenty-four, while the *biccherna* paid the bill for the painting of the arms of Charles of France on the *carroccio* of the imperial city, that *carroccio* around which had gathered the Ghibelline victors of the field of Montaperti. This change of politics was little less than suicide. Siena might lead the Ghibellines, but in the Guelfic party she could only sit below the salt. Henceforth, constructive legislation degenerated into proscriptive measures against the nobles, corresponding to the Ordinances of Justice at Florence. Professor Zdekauer is doubtless right in attributing the decline of Siena to geographical and hydrographical drawbacks. But it may be added that no state can afford to exclude its aristocracy from power, and so intensify the dualism between the capital and the country. Florence, perhaps, ruined Siena less by her arms than by her bad example.

We cannot dismiss our subject without a tribute of gratitude to Professor Zdekauer. His masterly introduction to the *Constituto* marshals the procession of facts and statutes which through nearly a century presses forward to the great gathering of 1262, of which ten elaborate indices form the shorthand report. His edition is a magnificent monument of a decade's work for the Faculty of Law at Siena. The editor has now left the severe browns and russets of Siena for the Claude-like blues and greens of Macerata. He has already paid the *annates* on his translation in the form of articles upon the statutes of his new home. The university of Siena showed herself worthy of her old traditions in opening her arms to the energetic *foretaneus*. Macerata may feel confident that even the sunny smiling slip between Apennines and Adria will not enervate so staunch a student.

E. ARMSTRONG.

The Disappearance of English Serfdom

AT the close of the thirteenth century the majority of Englishmen were still unfree. Complete statistics for the whole of the country are of course unattainable, but in many surveys of manors a list of all the tenants in the rural village is given, classified accorded to their free or servile status. On twenty such manors in various parts of England, some of them chosen at random from the Hundred Rolls of Edward I, others described in *extents* of dates between 1277 and 1312, some four hundred tenants are indicated as free, seven hundred as villains or otherwise unfree: ¹ so that, if these cases are typical, in the year 1300 about two-thirds of the people are serfs, one-third free. By the middle of the sixteenth century, or before, the mass of the English rural population were free men. Bondage was reduced to extremely small proportions, and where it existed was looked upon as quite anomalous. That is to say, during the intervening two centuries and a half the whole institution of legal villainage or serfdom had disappeared.

It is true that not even in 1300, if ever, was actual serfdom, the real position of the *villanus*, *nativus*, or *servus*,² that condition of practical slavery which is described in the law books.³

¹ In the villages of Clopham, Aoley, Radwell, Steventon, Bromham, Great Horwood, Torrington, Steeple Claydon, Stanton, Wodestone, Haddon, Chinnore, Curtlington, and Fretswell, distributed in five different counties, and described in the Hundred Rolls, there are 296 tenants described as free, 516 distinguished from the free tenants as being *nativi*, *servi*, or *cotarii*. *Rot. Hund.* ii. 321, 326, 331, 333, 336, 352, 463, 642, 644, 783, 822, 824. In Borley, Essex; Bernehorne, Sussex; Wilburton, Cambridgeshire; Brightwolton, Berks; and Limensfield and Brodeham, Surrey, there were 101 free, 155 villains. Cunningham, *Eng. Ind. and Commerce*, i. 505; *Customals of Battle Abbey*, pp. 17, 58, 137 ff.; Maitland, *Proceedings of Cambridgeshire Antiquarian Soc.* 1887, p. 162. The same freeholders are, moreover, frequently counted in more than one manor, the villains practically never so; and some of the freeholders are churchmen, while the villains presumably have families, which are not enumerated, but should be counted in to find the relative numbers.

² In actual usage no practical distinction seems to have been made in the application of these terms. The word *servus* hardly occurs after Domesday Book, except in the Hundred Rolls; *nativus* is used in the Manor Court rolls, in pleadings, and in manumissions, that is, wherever it is desired to lay stress on the unfree status of the villain; *villanus* occurs everywhere, while *customarius*, *rusticus*, and other variants are not infrequent. See also Vinogradoff, *Villainage in England*, p. 45.

³ *Dialogus de Scaccario*, ii. 10; Bracton, ff. 4, 5; Fleta, i. 2; Glanville, v. 5; Britton, ed. Nichols, i. 194.

Yet the burdens and disabilities arising from that legal position were very real and oppressive.

Some seruaunts ben bonde & bore in bondage, and suche haue mani paynes by law. For they may not selle nor yeue awaye theyr owne gode & catel, nother make contractes, nother take offyce of dygnytee, nother bere wytnesse wythoute leue of theyr lordes.

And though they ben not in chyldhode, they ben ofte punisshyd wyth paynes of chylhdode.⁴

Villains were by their legal position bound fast to the lands of their lords. We find them forced to take an oath that they will not leave the manor,⁵ or imprisoned to prevent their doing so;⁶ those who obtained permission to live away from the manor were required to make a regular payment for the privilege;⁶ those who had left without permission were brought back by the lord.⁷ Their freedom of action in the ordinary concerns of life was appreciably limited. 'And it is to be noted that none of the villains can give their daughters in marriage, nor cause their sons to be ordained, nor can they cut down timber growing on the lands they hold.'⁸ Nor were these merely formal prohibitions. The manor court rolls show a constant series of entries indicating their enforcement.

'Richard, son of Thomas, fined 40*d.*, because he has not recalled his son from the school before Michaelmas, as was enjoined upon him.'⁹ 'Isabella Warin gives to the lord 4*s.* for permission to give her daughter Mary in marriage.'¹⁰ 'Hugh of the churchyard has married without leave; fined 12*d.*'¹¹ 'Robert Hulle is to be fined because he cut down and sold trees which he had no power to sell: fine 12*d.*'¹²

In 1371 in Wolrichston, Warwickshire, William Potter pays a fine of 13*s.* 4*d.*, that his eldest son may go to school and take orders.¹³

Personal fines, amerciaments, tallages burdened the villain with payments from which the free man usually escaped. Chaucer testifies to this:

Of Coveitise comen thise harde lordshipes thurgh whiche men been distreyned by tailages, custumes, and cariages, more than hir duetee or resoun is. And eek they taken of hir bondemen amerciments, whiche mighten more resonably ben cleped extorcions than amerciments. Of

⁴ Bartholomew Anglicus, *De Proprietatibus Rerum*, Book vi. c. 15, in John of Trevisa's translation; Wynkin de Worde's edition (c. 1495).

⁵ *Durham Halmote Rolls*, i. 123, Surtees Society.

⁶ *Select Pleas of the Crown*, i. 13, Selden Society; *Durham Halmote Rolls*, i. 137.

⁷ *Select Pleas in Manorial Courts*, i. 89, Selden Society; *Durham Halmote Rolls*, i. 138.

⁸ *Extent of Bernehorne, Custumals of Battle Abbey*, p. 21, Camden Society.

⁹ *Durham Halmote Rolls*, i. 42; also p. 51.

¹⁰ *Select Pleas in Manorial Courts*, i. 28, Selden Society.

¹¹ *Ibid.* p. 27.

¹² *Ibid.* p. 37. See also Chandler, *Court Rolls of Great Cressingham*, p. 10.

¹³ Rogers, *History of Agriculture and Prices*, ii. 612.

whiche amerciments and raunsoninge of bondemen, somme lordes stywardes seyn, that it is rightful; forasmuche as a cherl hath no temporel thing, that it ne is his lorde's, as they seyn. But certes, thise lordshipes doon wrong, that bireven hir bonde-folk thinges that they never yave hem.'¹⁴

Burdensome duties, such as serving as a petty official, were imposed upon him, or compounded for by the payment of a substantial fine.¹⁵ Finally, the villain as against his lord and in cases regarding the title to land had no standing in the king's courts, no protection by the common law. The fact of his villainage having been once proved, he is refused a hearing, irrespective of the merits of the case itself.¹⁶ The only court in which he possesses a standing is his lord's own court on the manor.

Payments and services which the villain had to make in return for his land may be construed as incident to his position as a small land-holding tenant rather than to his serfdom, but these frequently remained heavy upon him when, if he had been free to leave the manor, they would have been lightened.¹⁷ Moreover there is probably no instance recorded of the payments and services of a free tenant equal in weight to the following case, which is by no means anomalous.

William Modi is a customary tenant of the aforesaid Sir Baldwin and holds from him a house and 12 acres of land. And he owes for these from Michaelmas (29 September) to St. Peter's Chains (1 August) in each week two works at whatever he shall have been summoned to do, except in Christmas week, Easter week, and Whitsun week, and he shall plow on each Friday half a rood of land unless these holy days prevent. And from the first of August to Michaelmas, in each week during harvest he shall reap two acres of grain, and in each week he shall provide a special service with two men, these having two meals in the day. And after harvest he owes four works in each week. And he owes two carrying services in the year, one to Cambridge, one to St. Ives. And he shall mow in the meadow of the lord, for the whole of one day, as one of his services. And he owes at Christmas four hens and a cock and 40 eggs, and at Easter 40 eggs, and at the feast of St. Peter's Chains he shall give 5 ducks. And about Christmas time he shall thresh in the barn of his lord 16 bushels of barley, and make malt of this at his house, and dry it, and then carry it to the mill to be ground, and from the mill to the kitchen of his lord. And he shall be reeve if his lord wishes. And he cannot marry his daughter without the permission of his lord. And if she commits fornication she shall be

¹⁴ *The Persones Tale*, ll. 751 ff.

¹⁵ Chandler, *Court Rolls of Great Cressingham*, pp. 14, 20-22, 34; *Durham Halmote Rolls*, i. 92.

¹⁶ *Coram Rege Rolls*, Michaelmas term, 3-4 Ed. I, m. 1, quoted in Vinogradoff, *Villainage in England*, p. 46, n.; *Year Books*, 22-23 Ed. I, p. 447, Rolls series.

¹⁷ See cases in Wilburton; Maitland, in the *ENGLISH HISTORICAL REVIEW*, ix. 423 ff., July 1894.

fined at the discretion of the lord. And his sheep shall be in the lord's fold from Hokeday to St. Martin's day. And he has 16 fellow tenants; that is to say . . . who all do in all things and for all things just as the said William Modi.'¹⁸

Serfdom did not involve the personal degradation nor the economic inferiority that is sometimes ascribed to it; nor, as has been said, did it ever probably have a tangible existence in England in the logical completeness asserted in Glanville, Bracton, Britton, and the 'Mirror.' Nevertheless as it did actually exist, in the year 1900 for instance, it constituted a very real limitation upon the freedom and the well-being of the masses of the English people.

By the middle of the sixteenth century, however, all this is changed. Few traces are to be found of anything which can be considered a restriction on personal freedom. In all the agitations and discussions connected with the enclosures and evictions of the period lying between 1450 and 1550, it is questions of tenure only which come up, not of personal servitude.¹⁹ Moreover, it had long been of only exceptional existence,²⁰ enforced with extreme infrequency, and only for what might be called its incidental effects, as those upon tenure, upon the ability of a bondman to implead his lord, in cases of personal dispute between a bondman and his lord as to payments, or where some special pecuniary necessities of an impecunious lord led him or his steward to hunt up old claims, much as the king was doing in a higher sphere. It is doubtful whether any instance of the normal everyday incidents of earlier serfdom can be found within the sixteenth century or for some time before.²¹ The yeoman, the typical English small farmer of the fifteenth and sixteenth centuries, is distinctively a free man. The bondman is the exception, villainage is only a shadowy survival. In 1523 Fitzherbert said :

Howe be it in some places the bondemen contynue as yet, the whiche me semeth is the greatest inconvenience that now is suffred by the lawe. That is to have any christen man bounden to an other, and to have the rule of his body, landes, and goodes, that his wyfe,

¹⁸ Hatley, Cambridgeshire, *Rotuli Hund.* ii. 539.

¹⁹ Cheyney, *Social Changes in England in the Sixteenth Century.* See also modern discussion and quotations from contemporary documents in Leadam, *Transactions of Royal Hist. Soc.* vi. 167 ff., vii. 127 ff., and in the *ENGLISH HISTORICAL REVIEW*, viii. 294 ff., 684 ff.; and in Ashley, *English Economic History*, ii. 261 ff.

²⁰ In the preliminary survey of the estates of the abbey of Glastonbury made by the royal commissioners in 1536, on 3 manors in Dorsetshire 9 bondmen are mentioned; on 11 in Wiltshire, 33 are given; and on 31 in Somersetshire, 227. None are enumerated in the Gloucester, Berks, and Devon manors. Altogether 1,274 freemen are given as against 271 bondmen, which gives about one-sixth as against the two-thirds proportion of 1300; but it is to be remembered that the western part of England had always been the special home of servitude. Dugdale, *Monasticon*, i. 201.

²¹ See quotations in the important article by I. S. Leadam, 'The Last Days of Bondage in England,' in the *Law Quarterly Review*, ix. 348-65, October 1893.

chylidren, and servantes have laboured for all their life tyme, to be so taken, lyke as it were extorcion or bribery.' ²²

It is true that there had been considerable mention of bondage during the first half of the sixteenth century, but it had been in connection with the clearing away of the débris of a fallen structure.²³ As late as 1574 and 1575, commissioners were appointed to carry out manumissions on the crown lands; ²⁴ and no doubt there were similar chance fragments of the old institution on the estates of private individuals. Even in 1617 the plea of villainage was raised in court.²⁵ But these isolated cases preserve merely the name of a long past condition. The actual state of affairs, if not the technical condition of the law, is better described in the fine words in which Harrison, writing about 1580, expresses the ordinary English opinion as to the legal rights of his fellow countrymen.

As for slaves and bondmen, we have none; nay, such is the privilege of our country by the especial grace of God and bounty of our princes, that if any come hither from other realms, so soon as they set foot on land they become so free of condition as their masters, whereby all note of servile bondage is utterly removed from them.²⁶

Sir Thomas Smith, writing about 1583, says, 'I never knew any in the Realme in my time.'²⁷

Such being the contrast between the fourteenth century and the sixteenth, what was the process by which the medieval English peasant was emancipated? He had been a serf, now he was a free man; by what steps had this freedom been gained? No definite enfranchising statute was ever passed to free the villain. Serfdom was not distinctly abolished at any one time in England, as it was in France in 1789, or as it has been by the various acts of emancipation during this century in the centre and east of Europe, or as slavery was abolished in America and the West Indies. It becomes necessary, therefore, to seek more partial and gradual steps in emancipation, or influences tending to diminish the extent and significance of villainage.

²² *Surveyenge*, chap. 13, edition of 1539, p. 31.

²³ See the following manumissions: 1485, *Materials for Reign of Henry VII*, i. 166, Rolls series; 1502, Dugdale, *Monasticon*, i. 638; 1522, Brewer, *Calendar*, iii. 2992; 1525, *ibid.* iv. 1610 (21); 1533, Gairdner, *Calendar*, vi. 1383 (2); 1534, *ibid.* vii. 147 (5); 1536, *ibid.* xi. 1417 (14). Also in 1548, Instructions to Sir Richard Sakevyle, on his appointment as Chancellor of the Court of Augmentations, 'to take order for the manumission of villeyns,' Lemon, *Calendar*, i. 10. Also suits in Court of Requests quoted by Leadam, *Law Quarterly Review*, ix. 348 ff.

²⁴ These commissions are printed respectively in Rymer, orig. ed., xv. 731, and in *Notes and Queries*, 4th series, xi. 298. Other references in *Notes and Queries*, 5th ser. i.

²⁵ *Pigg v. Caley*; Noy, Reports 27, 15 James I.

²⁶ *Description of England*, book ii. c. 5, prefixed to Holinshed's *Chronicle*, reprint of 1807, p. 275.

²⁷ *Commonwealth of England*, published 1609, p. 123.

Of these the most conspicuous is the voluntary manumission of villains by their lords. Numerous such actions are recorded through the whole period of which we have spoken.

Let it be known to all, by these presents, that we John by the grace of God bishop of Exeter, with the consent of the dean and chapter of our cathedral church of Exeter, have manumitted and quitclaimed Maurice Prigge, with all his progeny; so that neither we nor our successors shall be able to have for the future any right or claim of serfdom as against the said Maurice or his progeny, but shall be precluded from all such action for ever. In testimony of which, etc. Given in our manor of Chudley, 30 Aug. A.D. 1355.²⁸

The grant of liberty was sometimes of questionable charity, as in the following case, in the same year as that above quoted.

John by the grace of God bishop of Exeter to his beloved son in Christ Thomas Knollyng, son of William Knollyng, our serf in our episcopal manor of Ashpertone, greeting, etc. Since you have come to be fifty years of age, and have not so far any wife or any children legitimately begotten of your body, and in ability you are incapable of making your own living by your own labour, and since you do not know nor have learned from your youth upward any art except a boatman's, we consider that it would be very little loss to us or to our church of Exeter to restore you to your natural liberty. Wherefore in order that you may be able to labour more freely in seeking through boating your daily food and clothing, we have manumitted you, with your goods and chattels, and whatever you possess, obtained in any way whatsoever, your allegiance and that of any descendants, if you should chance to beget any, being specially reserved to us and our successors and our church. This we have done as far as pertains to us, in consideration of the things aforesaid, and at the suggestion of piety, and have restored you to your natural liberty. Given in our manor of Chudley, 12 June 1355.²⁹

Occasionally on the manor court rolls we find entries indicating the granting of a more or less formal manumission.

To this court came John Bolter and in full court acknowledged himself to be a born bondman of the lord abbot of Battle, and he gives to his lord two marks of silver that he may depart freely from his lord's franchise, without any claim of villainage being made against his body at any time in the future.³⁰

In many cases the manumission was granted for the specific purpose of enabling the former serf to be ordained, a requirement alike of canon law,³¹ of English statute,³² and, as we have seen, of frequent local custom.³³

²⁸ *Episcopal Registers of the Diocese of Exeter* (edited by F. C. Hingeston-Randolph): *Register of Bishop Grandisson*, pt. ii, p. 1166.

²⁹ *Ibid.* 1159.

³⁰ *Select Pleas in Manorial Courts*, i. 175, Selden Society.

³¹ *Decret. Grat.* pars i. distinctio liv.

³² *Constitutions of Clarendon*, § 16.

³³ See p. 21 *ante*.

To all the faithful in Christ to whom the present letters shall come John by the mercy of God bishop of Exeter, greeting eternally in the Lord. May you all know that we have manumitted and made free from all servitude, so far as in us lies, by our present letters, William Lawrence, son of Roger Lawrence, our serf of our manor of Chudeham; so that in the future he may be able to be promoted to the first clerical tonsure by any catholic bishop whatsoever. In testimony of which thing, etc. Given at Farndon, 15 June 1381.³⁴

This was probably a more frequent practice after the 'Black Death' in 1348-9, when difficulty was found in recruiting the ranks of the clergy.³⁵

✓ An interesting charter of manumission from Yorkshire is recorded in Rymer :

The king to all to whom, etc. greeting. Know that on account of the fine which John Simondson, our bondman of our manor of Brustwyk, has made before our faithful John de Molyns, Nicholas de Bokeland, and Hugh de Berwyk, whom we have assigned for our service of receiving such fines for the manumissions of our bondmen of those parts, we have manumitted the aforesaid John Simondson and his whole progeny, and exonerated them from all servile work toward us; willing and conceding for us and our heirs that the same John Simondson and his whole progeny aforesaid shall be free for ever and of free condition, so that neither we nor our heirs aforesaid, from the aforesaid John Simondson or his aforesaid progeny, by reason of his villainage, shall be able to require or claim anything for the future. Witness the king at the Tower of London, 16 May 1388.³⁶

It might be expected from the form of this charter that it represented a general movement for manumissions on royal manors, perhaps as one of the multifarious schemes adopted to raise money for the impending war with France; but the Patent and Close Rolls mention no other such grants at this time, and it is probably therefore only a special case resulting from some peculiar local conditions.

✓ A more nearly general emancipation of villains seemed for a moment probable as a result of the insurrection of 1381. Among the many grievances asserted by the rebels during those stormy June days, the villains as they marched to London from Hertfordshire demanded 'that no one for the future should be a serf.'³⁷ And the king, apparently in good faith, but, as it proved afterward, in bad, acceded to their requests and gave to them general charters of manumission as follows :

Richard, by the grace of God king of England and France and lord of Ireland, to all his bailiffs and faithful ones, to whom these present letters shall come, greeting. Know that of our special grace we

³⁴ *Register of Bishop Grandisson*, pt. ii. p. 617.

³⁵ Gasquet, *The Great Pestilence*, pp. 205 ff.

³⁶ Rymer, *Foedera*, Hague edition, iv. 20.

³⁷ Monk of Evesham, p. 28.

have manumitted all of our lieges and each of our subjects and others of the county of Hertford; and them and each of them have made free from all bondage, and by these presents make them quit. And moreover we pardon our same lieges and subjects for all kinds of felonies, treasons, transgressions, and extortions, however done or perpetrated by them or any of them, and also outlawry, if any shall have been promulgated on this account against them or any of them; and our most complete peace to them and each of them we concede in these matters. In testimony of which thing we have caused these our letters to be made patent. Witness, ourself, at London, on the fifteenth day of June, in the fourth year of our reign.³⁸

It is quite evident that in this document the king was doing two entirely distinct things: one, the pardon for disorder, crime, and outlawry, which lay within his province as being supreme over the administration of justice; another, the emancipation of the villains from the burdens of their servitude, quite outside of his power, as it involved depriving the lords of these villains of their property, that is of the villain services which were owed to them. But the charters had really been given by the king only to gain time and to induce the rebels to return to their homes. On 2 July, therefore, a proclamation was issued declaring the charters to be annulled,³⁹ and in the following November Parliament ratified the king's withdrawal and gave a vigorous refusal to the suggestion that the serfs should be enfranchised and manumitted by statute.⁴⁰ Thus this prospect of a general emancipation, if it can be considered as ever having come within the bounds of probability at all, failed, and nothing ever again occurred even approximating to it in universality.

The importance of individual manumissions as a means of abolishing serfdom must not be overrated. Doubtless there are many manumissions recorded in the Middle Ages that have not been discovered, and there must have been many instances of formal emancipation that never left any record. But even allowing for these, the extent of this method of obtaining freedom from villinage must have been very limited. As it affected individual persons only, it cannot have had a very deep influence on the mass.

Secondly, many serfs ran away from the lands to which they were bound, and either by remaining permanently undiscovered or unclaimed, or by obtaining a right of domicile in some town whose privileges protected the villains from seizure after the expiration of a year, became free men. This latter town custom is put in a general form by the earliest legal text writer:

³⁸ Walsingham, *Historia Anglicana*, i. 467, Rolls series.

³⁹ Rymer, *Foedera*, Hague edition, iii. p. 124.

⁴⁰ *Rotuli Parliamentorum*, iii. 99.

Likewise if any serf shall have remained quietly in a privileged town for a year and a day, so that he shall have been received like a citizen into their common guild, he will be liberated from villainage by that very fact.⁴¹

Nor does this appear merely as a legal statement. On 25 April 1288, two men appeared before the court of Husting of London stating that they were attorneys for the Earl of Cornwall and that they had come to protest against the admission to the franchise of the city of Ralph de North of Hemel Hempstead, his brother John Lawrence, and his three sons Adam, Gilbert, and Jordan, Robert Podifat, Robert of the Ford, and John of the Burn, eight men who were then living in London, but who had run away from the earl's land on the 29th of the preceding August, and who were his bondmen.⁴² The decision of the city authorities in this case is not known, but that such immigrants were not unknown a century later appears from the wording of a regulation passed on 18 June 1388, 'to avoid scandal and disgrace to the city of London.' By this it was ordained that for the future no outsider should be enrolled as an apprentice, or received as a freeman of the city, unless he would first swear that he was a free man and not a serf. Even if a man had been born a serf and had subsequently become free, he was excluded from all judicial offices in the city under penalty of 100l. if he kept the fact secret.⁴³ In a case previously mentioned it was only when the villain returned again 'to his nest,' that he lost his acquired status of a free man.⁴⁴ The manor court rolls are full of presentments that villains have fled.

They say that Jordan Mustard the bondman of the lord dwells at Alwalton where he has married a wife from the homage of the Abbot of Peterborough, and has there a half virgate of land of the villainage of the said abbot.⁴⁵

Walter Wiseman has fled with his chattels to Chesterton.⁴⁶

A serf has been received at Latfield without the permission of the lord.⁴⁷

It is enjoined upon Robert Smith who has left the land of the lord that he should come back before the next court, and remain upon the said land, under penalty of losing it.⁴⁸

There are especial reasons after the middle of the fourteenth century for the prevalence of this habit of flight. The same cause that we have already seen forcing the ordination of villains to the priesthood, that is the great pestilences, brought both labourers

⁴¹ Glanville, *De legibus Angliac*, book v. c. 5.

⁴² Riley, *Memorials of London*, p. 23. ⁴³ *Liber Albus*, i. 451, 452, Rolls series.

⁴⁴ *Year Books*, 22-23 Ed. I, p. 447, Rolls series.

⁴⁵ *Select Pleas in Manorial Courts*, i. 94.

⁴⁶ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 426, July 1894.

⁴⁷ *Lancaster Court Rolls*, manuscript quoted by Vinogradoff, *op. cit.* p. 15, n.

⁴⁸ *Durham Halmote Rolls*, i. 21.

and tenants into demand. When wages and conditions of tenure were likely to remain the same if a villain remained in the manor on which he was born, while they might be much more favourable if he migrated and thus entered into new relations, the incentive to flight must have been in many cases irresistible. Serfdom, it will be remembered, existed only so long as the villain could be shown to be a born bondman on the manor. A new inhabitant of a manor was therefore necessarily a free man of that manor.⁴⁹ From another point of view an indication may be found of the frequency with which villains left the manors to which they were bound. From a study of the names in the city of Norwich about the close of the thirteenth century, it appears that its citizens had been gathered from more than 450 localities in Norfolk and Suffolk.⁵⁰ It is hard to believe that all of these immigrants were free men when they left their homes. In fact there is little doubt that the army as well as the back streets of the towns was recruited from this same class of runaways. The fugitive villain appears as a regular character in the literature and the local and national records.

Yet these can have been only the restless spirits. All medieval influences tended towards stability, not movement. The material difficulties in the way of migration were considerable; the mental effort required to break loose from the familiar surroundings must often have formed an almost equally insuperable obstacle. On the manor court rolls the notices of departure are after all exceptional; the rolls rather show a striking continuity of population. New names occasionally appear and individual members of villain families may disappear, but usually the villain holding descends to some relative; the family remains fixed on the manor. Pestilence is the only force that removes many of its inhabitants from any one manor at any one time. Flight, like voluntary manumissions, emancipated occasional persons, not a whole class.

Thirdly, but in close connexion with the form of obtaining freedom just discussed, is to be recognised the steady persistent influence in favour of liberty exerted by the royal courts. The question of whether a man was serf or free would frequently come up in the manor court, and there the verdict of his own neighbours seems to have declared his freedom or servile status by a simple and direct decision. But if the question came up in the king's court the matter was a more complicated one. In the first place, the lord must ask for a writ from the court granting him possession of his serf.⁵¹ The man whose villainage was asserted then had a right to a corresponding writ which threw the burden of proving

⁴⁹ See instances quoted in Page, *Die Umwandlung der Frohndienste in Geldrenten*, pp. 38, 39, notes.

⁵⁰ Hudson, 'Notes on Norwich,' *Norfolk Archaeology*, xii. 46, quoted by Mrs. Green, *Town Life in the Fifteenth Century*, i. 171, n.

⁵¹ Bracton, f. 191.

his servile status upon his lord; ⁵² and the difficulties of pleading which could be thrown in the way of the lord claiming the villain were almost innumerable. ⁵³ Moreover by a regularly accepted dictum the serf received the benefit of any doubt.

It is to be the same where he against whom villainage is charged is a person entirely unknown, so that the jurors can have no certainty about his condition whether he is free or a serf; in this doubt judgment must be given in favour of liberty, as interpretation must lean towards the more merciful side; just as it is presumed of any man that he is a good man until the contrary is proved. ⁵⁴

Again, the courts may declare that the lord has freed his villain, though he really had no intention of doing so.

If it is contained in the deed, even without an express manumission, 'to have and to hold freely, quietly, and peacefully to himself and his heirs,' it is implied by these words and is strongly presumed that the donor wished him to be free to whom the donation has been made. ⁵⁵

Likewise in the same way if the lord has once produced him in the court of the lord king as his free man to testify for him or to wager his law or make compurgation for him. ⁵⁶

Still more far-reaching principles of law favour freedom. In the fifteenth century every bastard is free; for not having any known father, he cannot be proved to be descended from villain ancestry on the paternal side. ⁵⁷

Thus the difficulties of enforcing serfdom, when it has in any individual case become a question before the courts, must have served to free many a villain, probably to his own surprise; and the consistent attitude of the courts in favour of freedom must have acted as a continuous force tending towards its extension.

There were therefore at least three concrete definite ways in which the mass of serfdom was decreased. Many villains were manumitted voluntarily by their lords, others emancipated themselves by successful flight, and still others were practically granted their freedom by courts whose predilections were in favour of liberty. And yet all of these causes together can hardly have produced a general change in the existence of serfdom. A revolution in the status of a whole class cannot come about from changes in the position of individual members of that class. Influential as the movements mentioned above, and perhaps other direct causes, may have been in the emancipation of individual villains, the disappearance of the institution of villainage must have been due to some more general, more pervasive, and more universal influences.

A further probability that villainage disappeared as the result of indirect rather than direct causes is to be found in the fact that

⁵² Glanville.

⁵³ Bracton, book iv. c. 28.

⁵⁴ *Ibid.* f. 191 b, also f. 198.

⁵⁵ *Ibid.* f. 24 b.

⁵⁶ *Ibid.* f. 194 b.

⁵⁷ Littleton, sect. 188.

it held at best a somewhat anomalous position in English medieval society. It was but incompletely assimilated in the common law. The tests of serfdom were always obscure. Glanville knows only one way of proving whether a man is of villain condition or not—that is, to assemble his relatives and find whether they are acknowledged to be villains. The payment of heriot is sometimes relied on; but freemen also in many manors pay heriot. Merchet is a more steady test, but even this is not always trustworthy. Again, the question of just what the legal disabilities of a villain are was an undecided one. The principle of the law, as far as there was a worked-out theory, seems to have been that a villain was free in his relations with all men except his lord, whereas towards him he was a slave. But neither of these conditions was actually existent. He had practically no standing in the royal courts, even as against others than his lord; and on the other hand in actual life he was by no means without rights as against his lord. Though by the assertion of the law all his possessions were the property of his lord, yet the lord never claimed them; and even the law was not quite consistent. 'A villain may be in line of inheritance through his ancestor.'⁵⁸ As a matter of fact it was only with difficulty that the lords collected fines, amerciements, and tallages from what was declared by the law to be their own property. During the whole continuance of the existence of villainage the common law tried unsuccessfully to place it within definable and realisable limits.⁵⁹ In the political world there is the same indefiniteness. From participation in the higher work of government the small freeholder and the villain are alike excluded, but in its humbler, more local work they both take part alike. The villains were not separated from the rest of the community by distinction of race, like negro slaves, nor by previous conquest and purchase, as were the slaves of Rome. Even distinctions based on social pride were probably obscure. The classes on the manor shaded into one another imperceptibly and it is hard to believe that a prosperous customary tenant, though a serf in condition, was seriously looked down upon by a freeholder whose acres were fewer and work as hard. Serfdom, therefore, as an element in social organisation was, so to speak, in unstable equilibrium; and many of the changes in society—the growth of the towns, the increase in the amount of currency, political changes, changes of opinion—may have contributed to its progressive decline. But this very instability indicates that it was kept in existence by some powerful influence. If this real force which created and supported serfdom can be discovered, and a change be found to have taken place in this force within the

⁵⁸ *Year Books*, Ed. III, ann. 15, p. 338, Rolls series.

⁵⁹ See this whole question discussed in Pollock and Maitland, *History of English Law*, vol. i. book ii. c. 2, § 3, and in Vinogradoff, *Villainage in England*, essay i. c. 2.

fourteenth and fifteenth centuries, the problem will be solved, the really efficient cause for the disappearance of serfdom will have been found.

✓ From what has been said it is evident that the force which brought villainage into existence and kept it in existence is not to be sought in the political or legal sphere, and therefore must be looked for in the economic. That is to say, serfdom must have been to the material interest of some influential class of society. This interest is to be found in the custom of the lords of manors cultivating their large demesne farms, and the consequent need for a constant supply of labourers. To satisfy this need the mass of the peasantry was bound to the soil. Ordinarily in every village there was one great farm, often of several hundred acres. It is true that these acres were for the most part scattered about in the open fields of the village, intermingled with those which made up the holdings of the free and villain tenants. Nevertheless the whole group, with the use of separate and common pastures, of barns, dairy and other farm accompaniments, was carried on as one agricultural establishment in the interest of the lord of the manor, and under the administration of the bailiff or reeve. Where was the labour for this large farm to be obtained? Medieval farming required even more men than modern. Ploughing, harrowing, planting, cultivating, reaping, carrying, threshing—all with the most primitive implements, and mostly on detached pieces of land, required an abundant and a certain supply of labour. The condition corresponding to this requirement was the restriction of the ordinary inhabitants of the villages to the locality, and the demand upon them for enforced labour services. In other words serfdom existed because the great demesne farms existed.

It has always been so where any system of large farming has been carried on, and where moral sentiment has not placed itself successfully in opposition to slavery. Some form of servitude has always been relied upon to secure a supply of labour. The *latifundia* of ancient Italy were carried on by imported and purchased slaves. The sugar plantations in the West Indies, in earlier times, the tobacco, cotton, and rice fields of the Southern States, were cultivated by the labour of negro slaves. In the more northern colonies, even within the present century, the same demand was supplied by the provision of indentured servants. At the present time the more flourishing sugar islands of the West Indies, Dutch Guiana, the Dutch East Indies, and Hawaii depend upon coolie labour, which is bound service of so many days a week for so many years. In just such a way the medieval lords of manors kept the villains in serfdom. Of course numerous burdens were laid upon villains; a whole group of 'incidents of villainage' sprang up, and become profitable to the

lords, were in later times relatively more prominent. But the great fundamental fact was that they had to stay on the manor and provide labour on the demesne farm. Instances exist in the *compotus* rolls of the fourteenth century, where on a farm of six hundred acres but two or three persons are hired permanently and a very few others occasionally. A group of a dozen or twenty villain tenants working three days each week on the demesne, doing all the ploughing in the autumn for over-winter crops, and in the spring for the spring crops, most of the mowing of the hay and the reaping of the grain, besides the larger part of the hauling, stacking, and threshing, made it easy to carry on the large demesne farm with but a slight addition of hired labour. And this was really done from generation to generation. Therefore, so long as the medieval farming system remained intact, serfdom would continue to exist, because the propertied classes needed the labour of serfs—of men, that is, who were bound to the soil of their manors.

But two processes of change gradually showed themselves. In the first place labour services were frequently commuted for money payments. Stewards allowed villain tenants to 'buy their works,' that is, to pay the value of a day's work in money instead of in actual corporal labour. The bailiff of Cuxham in 1316 charges himself in his account with '2s. 6d. for works of Richard Est sold in the winter; and with 2s. 6d. for works of Adam Brian sold in the winter; and with 15d. for works of Joanna Bonecherche sold in the winter.'⁶⁰ In 1304 at Wilburton '260 winter works are sold to the homage at the rate of a halfpenny per work.'⁶¹ In Durham in 1358 is an entry 'from Thomas son of Alan for his autumn works, at Michaelmas, 4s. 3d.'⁶² At Watlington, Oxfordshire, in 1279, 'Hugh Carter . . . will give 8s. per annum for his works, which shillings can be changed into other service at their value at the will of the lord.'⁶³ This custom began early and continued late, but was of only very slow and gradual extension. Isolated cases appear in the thirteenth century, yet late in the fifteenth the change is by no means universal. The regular 'week-work' seems to have been most readily commuted, the 'boon works,' or special services at the busiest times of the year, were more apt to be insisted upon in their corporal form by the lords of manors.⁶⁴

Just as far as such a change extended, it must have been to a considerable degree subversive of serfdom. The willingness of the lords to allow this commutation shows that they could procure

⁶⁰ *Compotus Roll of Manor of Cuxham*: Rogers, *History of Agriculture and Prices*, ii. 618.

⁶¹ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 419, July 1894.

⁶² *Durham Halmote Rolls*, i. 24.

⁶³ *Rot. Hund.* ii. 815.

⁶⁴ For numerous instances see Page, *Umwandlung der Frohndienste in Geldrenten*, p. 48 ff.

other labourers for hire, and that their interest in the fixity of the villain tenant population was therefore less than it had been. Moreover the villain tenants must have been rising in position. Their labour was worth more to themselves than it was to their lords, or they would not have been able or willing to pay its value in money; there was evidently a class below them in economic position, the mere hired labourers; and finally, in so far as their services to their lords were fulfilled by the payment of money, their position tended to become that of rent-paying tenants, and therefore scarcely distinguishable from that of the freeholders.

But, as has been said, the commutation of services was only a slow and partial process. The deficiency of labour in the second half of the fourteenth century following the pestilence can hardly have failed to retard its progress, although actual testimony to that point is scarcely available. So long as the system of cultivating the large manor farms in the direct possession of the lords continued, there would be a reason for the retention of a body of available labourers bound to the soil, that is, for the continuance of serfdom. This instinctive recognition of its fundamental importance gave vigour to the refusal of the lords to consent to a general emancipation as proposed by the king in 1381.

But the second change, already referred to, was an invasion of the custom of demesne or bailiff farming. Lords of manors began to lease their demesne farms for a money rent instead of cultivating them for the use or sale of their products. Thus:

The prior and convent of the church of Durham have leased at a rent to Andrew Boveney of Arast their manor of Wardley for the space of seven years, with all the woods, etc., pertaining to it, with the exception of all its established and regular rents, its mills, the profits of the manor courts, the fisheries in the Tyne river, and the woods of Hynings and Hoterell. And the same Andrew and his heirs and assigns shall take nothing from the villagers of the two Heworths, except only the services and the customary works of the villains as the prior and convent have taken them at the time of the making of the present agreement.⁶³

This was in the year 1309, and means that the lands of the village of Wardley, which had been in the direct possession and cultivation of the convent (which was lord of the manor), were now leased for seven years, and as a matter of fact were afterwards continuously re-leased to a private tenant for a money rent.

Another example may be taken about a century later, and from a different part of England. About 1426 the demesne land of the manor of Wilburton, Cambridgeshire, containing 246 acres of arable land and 42 acres of meadow, was rented to one of the villain tenants of the manor for a lump sum of 8*l.* a year. It

⁶³ *Durham Halmote Rolls*, i 12.

was then and always subsequently leased 'with the works and customs of all the customary tenants who performed work.'⁶⁶

The result of such a lease was that the lord of the manor ceased to be directly interested in the village lands in an agricultural sense. He now received rent where before he raised crops. He was now merely a landlord where before he was an employing farmer. The dates of this change are hard to ascertain. It was a purely internal change in the management of their possessions by property owners, and although abundantly recorded in the accounts of the stewards, bailiffs, or reeves, many of which are extant, made no impression on the chronicles of public events. A somewhat careful search through the printed sources gives the following instances and dates of the beginning of the custom of leasing the demesne farms on various manors. Ibstone and Gamlingay, belonging to Merton College, Oxford, in 1300; Wardley, just referred to, belonging to the Convent of Durham, in 1309; Basingstoke and Walford, belonging to Merton, in 1310 and 1322 respectively; Billingham, East Raynton, and Bellasis, belonging to Durham, in 1364, 1370, and 1373, respectively; Standon, in Hertfordshire, in 1376, and Bayford and Esyndon, in the same county, in 1385; Navestock, belonging to St. Paul's, in 1421; and Wilburton, belonging to Ely, mentioned above, in 1426.

A recent investigator⁶⁷ has noted a large number of instances which, grouped by decades, number as follows: Between 1350 and 1360, one manor; between 1360 and 1370, four; 1370-1380, thirteen; 1380-1390, twelve; 1390-1400, twenty; 1400-1410, five; 1410-1420, nineteen; 1420-1440, sixteen; and about the year 1440, some fourteen. In addition to these instances in which the demesne lands as a whole were rented out there were other cases in which parts of the demesne were successively leased to money-paying tenants. These figures seem to be spread pretty evenly through the fourteenth and early fifteenth centuries; but Thorold Rogers, who examined more manuscript manorial records than any other student, connected the change closely with the results of the 'Black Death' of 1348 and 1349, ascribing it to the difficulty of carrying on the large farms when wages had become so much higher.⁶⁸ Whatever may have been the cause, and whatever the exact dates, the silent revolution was in progress during the fourteenth and fifteenth centuries. By 1534, on the monastic lands at least, the change was universal, for in the *Valor Ecclesiasticus*, or statement of the income from the church lands, the value of the manor farm is invariably given as an annual

⁶⁶ Maitland, 'History of a Cambridgeshire Manor,' *ENGLISH HISTORICAL REVIEW*, ix. 432, July 1894.

⁶⁷ Page, *Die Umwandlung der Frohndienste in Geldrenten*.

⁶⁸ *History of Agriculture and Prices*, i. 22, 24, 81, 271.

rental. During the period referred to, then, the lords of manors ceased to be large farmers and became more nearly landlords of the modern type.

The effect of such a withdrawal from the land must have been far-reaching on the interest of the lords in serfdom. The need which had brought ascription to the soil into existence, and furnished the main motive for its continuance through so many centuries, was now removed. When the lords of manors no longer cultivated their own land they were no longer concerned in preserving a supply of labourers on the manor. That fundamental relation between the lord and the villain, that the former could force the latter to stay on his land and work for him, was now a relation without special interest or value. In such circumstances the enforcement of this relation was hardly to be expected; certainly not with the old regularity. It is true that the leases by which the demesne lands were rented out seem to have included the right on the part of the new farmer to receive such required labour services as were not already regularly commuted by the villains. The lease of Wardley, already quoted, gave to the lessee the right to the labour services of the villains of the two adjacent villages, as they were in the habit of being performed at the time of the lease; and other cases are similar.⁶⁹ But the probability of the new farmers of the demesne lands being able to enforce these claims seems very slight. They could of course appeal to the lord of the manor and he might enforce the labour service in his own court, or if the villain took flight have them returned by the decree of a higher court. But the new demesne farmer could do nothing of himself against the villain tenants, and the interest of the lord of the manor must have been languid at best. The new farmers also in some cases held sublet parts of the demesne, so that the whole practice of large farming was to that extent suspended.⁷⁰ The manor farms were now being carried on by a class of men who had no political supremacy and no social influence. Such an institution as villainage would certainly not be kept up for their advantage.

Again, it is true that there were other accompaniments of serfdom which were valuable to the lords, besides a stationary labour supply. But some of these were decreasing in value. The multiplicity of fines became much diminished through the fourteenth century by the commutation of labour services, and the relatively decreased activity of the manor courts. Such payments as merchet, ley, and heriot were undoubtedly collected carefully by the steward from the villain tenants. But these alone were hardly sufficient to make it worth while to insist on their observance. As long as serfdom was the general condition of the bulk of the villagers, an

⁶⁹ *Durham Halmote Rolls*, i. 121; Maitland, *l.c.*

⁷⁰ *Durham Halmote Rolls*, i. 100.

the whole administration of the lords gathered around it, all parts of the system which could be made profitable were of course enforced. But when the cultivation of the demesne lands by the lords came to an end, the real *raison d'être* of serfdom disappeared, and its subordinate incidents would be gradually neglected or forgotten. The one of these which survived longest was a certain amount of insecurity of tenure, which rose to importance in the period of enclosures in the fifteenth and sixteenth centuries, and which is the real element involved in the series of manumissions already referred to as having occurred at that late period.

The lords of manors did not lose their legal right to the villain services and payments, but they ceased to value them. In the thirteenth century or the fourteenth, if a villain tenant dies without surviving relatives or runs away, abandoning his land, or the land comes in any other way into the hands of the lord, it is regranted to some other villain, sometimes forced upon him, 'at the old and customary services.'⁷¹ It is these services that the lord wants and expects to obtain. In the fifteenth century when such land is regranted it is usually at a small money rent.⁷² The lord no longer either expects or desires labour services sufficiently to insist on their enforcement. The legal condition of which these were the proof and embodiment becomes obscure, unimportant, practically non-existent. Not only did villains individually become free men by the various processes already described, but villainage, as a condition of real servitude at least, gradually became an anachronism. The lords occasionally record the servile status of certain of their tenants; local juries when asked will report that such and such persons are bondmen by blood; the formulæ which include words expressive of serfdom still remain in use; but all these things have little meaning. The progress of opinion taught men to look askance at human bondage, and many manumissions were still granted in the sixteenth century, but these meant only the relief of the bondmen from an opprobrious appellation, or at most making more secure the tenure of their land. English serfdom after the fifteenth century, perhaps after the fourteenth, did not need to be abolished. It faded away along with the system of which it was an integral part. Without any act of legislation or other general action, serfdom became a mere memory, so much so that even the men of the seventeenth century knew vastly less of its real character than do we, in the light of the revived historical studies of the close of the nineteenth.

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⁷¹ *Devham Halmote Rolls*, i. passim; Maitland, *l.c.*

⁷² Maitland, *l.c.*; Chandler, *Five Court Rolls of Great Cressingham*, pp. 44 ff., 71.

The Dutch Power in Brazil

PART II.—THE FIRST CONQUESTS (*continued*).

NO sooner had Olinda been lost than urgent requests were made by Albuquerque that an armada should be sent out from Spain strong enough to keep the command of the sea, and compel by a close investment the surrender of the Reciff. Nor were they unheard. Already in July 1630 steps were slowly, and it must be added unwillingly, taken by the Spanish government to get ready a relief expedition. News of the preparations, however, speedily came to the knowledge of the Dutch through intercepted letters, and the directors of the West India Company lost no time in giving orders that a fleet should be fitted out to meet the Spaniards on their arrival at Pernambuco. The Netherlanders had indeed but little difficulty in being the first to appear upon the scene, and not until Olivares had heard that the succours from Holland had actually reached the Brazilian coast could the Conde-Duque be induced to believe that the situation was serious enough to demand a fresh outlay of treasure in defence of the Portuguese colony. He hoped that the West India Company would have grown weary of the task of maintaining a garrison at so great a cost on the far-off shores of South America, and that when they found they were unable to effect any further conquest on the mainland the Reciff would have been abandoned. But such was not the case, and, despite constant losses in skirmishes and some privations from lack of adequate food, the troops of Waerdenburgh had by additional forts practically made their position impregnable to attacks from without,¹ when on 18 Dec. Marten Thijssen with the first two ships belonging to the relief force sailed into the harbour. The whole fleet consisted of sixteen ships and yachts, manned by 1,270 sailors and 860 soldiers. The commander-in-chief was Adriaan Janzoon

¹ 'Porem representarão todos que pezava tanto mais a restauração de Pernambuco e defensão do estado do Brazil, que todas as outras ocasiões presentes em razão da conservação da Monarquia que tinham por muito certo que sendo isto tão presente cumpre a V. Mag. antepor a tudo esta empreza e que vencendose todas as dificuldades inda quando chegarão a maior aperto, mandara V. Mag. tratar este negocio desde logo com o calor e forças supriores que elle riquere . . . por estas e outras razões conuinha que o poder que V. Mag. mandasse ao brazil fosse superior a todas as forças referidas e aos socorros que se diz que o inimiguo mandava e he de ver que ira mandar.'—*Acta do Conselho d'Estado* (29 April 1630), Arch. Simancas.

Pater, who had but lately returned home from a successful expedition to the West Indies, in which, among other feats of arms, he had sailed up the Orinoco and taken and burnt San Thomé de Guayana, the chief Spanish settlement on that river, while Marten Thijssen, who had played so great a part under Hein at the capture of the silver fleet, occupied the post of second in command.² Thijssen, as already stated, reached the Reciff in December, and he was followed at intervals by other detachments, Pater himself, who left the Texel with five vessels on 9 Jan. 1631, arriving last on 14 April.

Acting upon a suggestion received from the Nineteen, it was resolved by the governor and council, as the Spanish armada had not yet started, to assume the offensive and attempt to capture the island of Itamaraca.³ This island, lying in the mouth of the navigable river Goyana, about five leagues to the north of the Reciff, opposite to the first opening, after that at the Pao Amorello, in the belt of rock skirting the coast, was some seven leagues in circumference, and rich in sugar and other products. It contained a small town named Nostra Senhora de la Concepcion, situated on the summit of a wooded hill, which was well fortified and armed. The garrison, which at first consisted of only 60 soldiers and about 100 inhabitants, under the command of Salvador Piñiera, was afterwards reinforced⁴ by Albuquerque. The expedition, which set sail on 22 April, consisted of fourteen ships, three large sloops, and some smaller craft under Admiral Thijssen, and carried 1,260 men. The command of the land forces was entrusted to Lieut.-Colonel Stein-Callenfels. The second in rank was Major Schutte, and in the list of captains two names appear which will frequently recur in the later portion of this history, those of Sigismond van Schoppe and of Crestoffe d'Artichau Artichofsky.⁵

Favoured by lovely weather, the troops reached their destination on the following day, and were safely landed without opposition on a small island lying at the south end of Itamaraca, and separated from the main island by a shallow channel. Next morning Stein-Callenfels had no difficulty in transporting his force across the narrow strait, but finding that his further march was much impeded by swampy ground and tropical vegetation, and that the town was well fortified and, situated as it was, on the top of a steep hill covered with tangled brushwood and surrounded by marsh,

² As usual in Dutch expeditions, Pater bore the title of general, Thijssen of admiral. For complete details as to this fleet see De Laet, pp. 203-5, 235.

³ De Laet, p. 226; Albuquerque, *Mem. Diar.* fol. 46; Nieuhof's voyage in Brazil (Pinkerton's *Voyages*, xiv. 708); Montanus, p. 421. De Laet compares Itamaraca to England: 'Dit is een goedt Eylandt, seer schoon landt aen te sien als Enghe-landt.'

⁴ Albuquerque (fol. 49) says that he sent powder, munitions, and some men.

⁵ The latter was certainly a Pole; the nationality of Schoppe is uncertain.

almost impregnable, he resolved to take no further steps without consulting the council. He accordingly despatched a vessel to the Reciff for further instructions, with the result that Joannes van Walbeeck, one of the councillors who had recently been appointed by his colleagues to the post of admiral of the coast of Brazil,⁶ came in person to Itamaraca, as did afterwards others of the councillors. As the result of careful reconnoitring it was determined that it was not advisable to run the risk of an attack upon La Concepcion at the present juncture, but that a strong fort should be built upon the little island on which the first landing had taken place, which would command the principal approach⁷ to the river, and render the Dutch to a large extent masters of the harbour. A strong quadrangular fort was accordingly built under the directions of the engineer Van Buren, which was finished in the middle of June and received the name of Fort Orange. Three companies were left as garrison, under the command of Artichofsky. Having thus firmly possessed themselves of a second foothold on the Pernambucan coast, Stein-Callenfels and Thijssen returned on 1 July to the Reciff.⁸

While these events were taking place the relief fleet had already set sail from Lisbon on 5 May under the experienced admiral Antonio de Oquendo.⁹ It had, with that short-sighted selfishness on the part of the Spanish government which was in a few years to bring about the revolt of the Lusitanian kingdom, been equipped entirely at the cost of Portugal. The fleet consisted of twenty men-of-war, fifteen Spanish and five Portuguese, and carried two thousand soldiers to be distributed between the three most important posts on the Brazilian coast. This effected, it had orders to proceed northwards to protect and convoy home the treasure fleet, which it was feared some of the Dutch squadrons might intercept and capture. Of the military succours eight hundred men were destined for Bahia, two hundred for Paraiba, and one thousand with twelve pieces of artillery for a reinforcement to Matthias de Albuquerque at the camp Bom Jesus. These last consisted of three hundred Spaniards, four hundred Portuguese, and three hundred Neapolitans under the command of the Neapolitan Count Giovanni Sanfelice Bagnuolo, a brother-in-law of Duarte de Albuquerque, the proprietor of Pernambuco, who himself accompanied the expedition.

With the perversity which so often marred the efforts of the

⁶ De Laet, p. 203 : 'Admirael op de custe van Brazil.'

⁷ Albuquerque calls it 'la barra principal.'

⁸ Consulta da Junta de Portugal (24 Sept. 1631) : 'Considera la Junta que se alcanza bien el intento que tienen los rebeldes de sustentar lo ganado y pasar adelante la conquista del Brasil con la faccion que emprendieron en Itamaraca aonde ya se han fortificado en la Ysleta del puerto, con la qual se han hecho Señores del.'

⁹ He lost his life in the battle of the Downs, 1639.

Spaniards at this time, Oquendo, in accordance with his instructions, instead of making a dash straight for Pernambuco first directed his course to Bahia. He entered All Saints' Bay on 13 July, and safely carried out the landing of the troops and munitions, which were assigned for the defence of San Salvador. But it was only through good luck that the Spanish admiral had escaped the notice of a squadron under Pater, and of other Dutch ships that were cruising along the coast in search of prizes, and it was impossible—such was the vigilance of his enemies—for his presence in Brazilian waters to remain long unconcealed. The yacht 'Katte,' which had been sent out to reconnoitre at the beginning of August, sighted the relief fleet lying at anchor in the bay, and at once returning reached the Reciff with the news on the 19th of that month. Thus Oquendo lost the opportunity of coming upon the Netherlands by surprise, and so the possibility of blockading the Dutch fleet in the harbour and eventually forcing the garrison to surrender through lack of supplies. No sooner were the authorities at the Reciff apprised that the Spaniards were at Bahia than it was resolved that Pater should not await their coming, but should put out to sea with his fleet to engage the enemy, if possible, or at least to prevent the landing of reinforcements. On 31 Aug., accordingly, the Dutch admiral set sail with thirteen ships and three yachts, himself on board the 'Prins Willem,' his vice-admiral, Marten Thijssen, on the 'Vereenigte Provintien.'¹⁰ As heavy fighting was expected, the ordinary crews were strengthened by nine companies of soldiers, under the command of Major Schutte, who were distributed through the fleet. A southerly wind prevented rapid progress. On 9 Sept. Bahia had not yet been reached, when the fleet fell in with a yacht, 'De Vriessche Jager,' which reported that the Spaniards had already left the bay five days before and were steering northwards. The position of affairs was critical, and Pater at once turned his helms to go in quest of the foe. For two days he cruised in vain; then at last, just before sundown on the evening of the 11th, the Spanish fleet was descried on the horizon to the S.S.E. As the Dutch vessels were at this time scattered in pursuit, the admiral signalled immediately and despatched a swift sailing yacht to carry orders to all the ships to draw together and prepare for action. Thus in anxious but resolute preparation for what was to be one of the most fiercely contested naval fights in history the night wore away.

Steering under bright moonlight, so as to get to the windward of the Spaniards, the Dutch look-outs at sunrise were able to count

¹⁰ De Laet, p. 240; Richsoffer, p. 112; Montanus, p. 422; Thysius, *Hist. Navalis*, p. 260. The 'Prins Willem' was of 1,000 tons, carried 26 metal and 20 iron pieces of ordnance, and was manned by 150 sailors and 150 soldiers; the 'Vereenigte Provintien,' 800 tons, 22 metal and 28 iron pieces, 195 sailors and 136 soldiers.

fifty-three sail¹¹ lying to the W.S.W. As soon as he found himself about two miles from the enemy Pater called all his ships' captains on board the flagship, and, after pointing out to them that the fortunes of the West India Company and the honour of Dutch seamen hung upon the issue, gave orders that they were to attack the Spanish galleons, two ships at a time, and so overpower them.¹² These orders were given under a mistake, Pater having received information that the galleons were only eight in number, exactly one half of that of the ships and yachts under his command. 'Every one,' writes De Laet, 'gave fine promises, but few quitted themselves well.'¹³ The 'Walcheren' was the ship appointed to act with the admiral's flagship, the 'Prins Willem,' the 'Provintie van Utrecht' with the vice-admiral on the 'Vereenigte Provintien;' but with the exception of these four the other vessels, when their captains saw the number, size, and formidable armament of their opponents, turned faint-hearted, and either hung back altogether or hovered on the outskirts of the fight.

Oquendo on his part was eager to join issue, confident in his superiority. When Bagnuolo and Duarte de Albuquerque urged him to take some of the soldiery from the caravels to the galleons, to strengthen the crews, he declined, saying contemptuously 'that the sixteen [Dutch] ships in sight were but poor stuff.'¹⁴ He accordingly drew up his galleons in order of battle, so as to cover the transports and convoy, and hoisting the royal standard awaited the onset.¹⁵ He was astonished to see only four vessels advancing towards him,¹⁶ for Pater and Thijssen, undaunted by the doubtful attitude of so many of their captains, and accompanied only by their selected comrades, made straight for the two flagships of the enemy. The 'Prins Willem' bore down upon the Spanish admiral in the 'S. Jago,' while the 'Vereenigte Provintien' laid itself alongside of the galleon 'S. Antonio de Padua,' on which flew the pennant of Vice-Admiral Francisco de Vallecilla.¹⁷

¹¹ The actual numbers were 20 men-of-war (galleons), 12 caravels carrying the relief force under the Conte di Bagnuolo, and 24 ships from Bahia, laden with sugar (Albuquerque, *Mem. Diar.* fol. 56; Brito Freyre, p. 214; Santa Teresa, p. 112). In *Leeven en Daaden*, p. 195, the writer describes the sight of the Spanish fleet as 'gelijck een heele Boschagie in de Zee gesien.'

¹² So all the authorities. The words of Thysius, *Hist. Navalis*, p. 262, are, 'binae quaeque naves galeones singulas adorirentur.'

¹³ De Laet, p. 240: 'Een yeder beloofde wel wat schoons, maer weinighe queten haer wel.'

¹⁴ Albuquerque, *Mem. Diar.* fol. 56: 'que los navios que se veian del enemigo eran (palabras formales) poca ropa.'

¹⁵ Francisco de Lyra, *Relacion de Jornada* (Seville, 1631), a contemporary narrative of great value.

¹⁶ Albuquerque, *Mem. Diar.* fol. 56: 'No causa poca admiracion el ver el como se resolvieron a hazerlo, siendo tan inferiores en numero.'

¹⁷ The 'S. Jago' had 48 guns, 400 men; the 'S. Antonio de Padua' 26 guns, 260 men; the 'S. Bonaventura' 22 guns, 170 men; the 'S. Juan Baptista' 22 guns 100.

During the short interval of suspense, as the 'Prins Willem' approached, Oquendo by some skilful manœuvring managed to get the weather gauge of his adversary, an advantage which afterwards proved his salvation.¹⁸ The Dutch admiral, on his side, in full assurance of victory, was only anxious to come to close quarters, and after running the gauntlet of four galleons, which opened fire on him, about 10 A.M. he came alongside the 'S. Jago,' and throwing out grappling irons lashed the two ships firmly together. The 'Walcheren,' under its brave captain, Jan Mast, following close behind, now drew up on the other side of the 'S. Jago,' and a terrific combat began, which lasted until 4 P.M.¹⁹ It was difficult for the other galleons to fire on the Dutch without injury to their own flagship, and though several gallant attempts were made to relieve Oquendo they were without success. A small Portuguese vessel under the command of Count Barbosa, at the risk of certain destruction, managed at a critical moment to draw away from the 'S. Jago' and upon itself the fire of the 'Walcheren,' but it was soon sunk and its captain taken prisoner. The crew of a galleon under Captain Juan de Prado also distinguished themselves by their brave efforts, and rendered valuable service. Hour after hour the fierce *mêlée* went on with the utmost determination and obstinacy on both sides, the guns, whose muzzles were almost touching, keeping up a ceaseless discharge, the roar of which from beneath the dense canopy of smoke in which the combatants were enveloped proclaimed aloud that the issue of the fight was still undecided. As the afternoon wore on, however, it became evident that the 'S. Jago' could not hold out much longer. Towards 4 P.M. she was nothing but a floating wreck, her rigging and sails torn to pieces, no longer manageable by the scanty remnant of her valiant crew,²⁰ of whom two hundred and fifty men and four officers lay killed and wounded²¹ on the decks. But at the very moment of last despairing resistance salvation came. Suddenly flames were observed to be bursting forth from the stern of the Dutch flagship. All efforts to subdue the conflagration, which was apparently caused by a burning wad, and had got well hold before it was noticed, proved unavailing, and the efforts of the crew were much hindered, as Oquendo ordered his musketeers to open fire upon them.²² Nearly did the

men. De Laet, p. 245, gives a complete list of the Spanish fleet, as derived from Francisco de Fuentes, auditor of the fleet, taken prisoner in the 'S. Bonaventura.'

¹⁸ Albuquerque, *Mem. Diar.* fol. 57: 'la salvacion de la nuestra.'

¹⁹ Accounts of this celebrated fight are given in great detail in De Lyra's *Jornada*; Albuquerque, *Mem. Diar.* fol. 57-9; Brito Freyre, pp. 215, 221; Santa Teresa, pp. 115-7; Raphael de Jesus, pp. 54-8; Montanus, pp. 422-4; Richsoffer, pp. 112-3; Thysius, *Hist. Nav.* pp. 261-4; De Laet, pp. 240-2; *Leeven en Daaden*, pp. 198-9.

²⁰ Brito Freyre, p. 216: 'A Espanhola atracada dos arpeos; a enxarcea em pedaços e as velas rotas, ainda que lhe ficasse alguma era impossivel marealla.'

²¹ Albuquerque, *Mem. Diar.* fol. 58.

²² *Ibid.*

Spanish admiral pay the penalty for this command by the destruction of his own ship, for, as the vessels were grappled together, it was only with difficulty, such was the rapidity with which the flames advanced, that by the prompt assistance of Juan de Prado the 'S. Jago' was hauled out of harm's way. Alone now in the midst of his foes in his burning ship, the fate of the lion-hearted Pater was sealed. Enraged at seeing the fruits of victory thus miserably snatched out of his grasp, stung with resentment at his desertion²³ by so many of his captains, none of whom came to his assistance, he and his men, disdaining to save their lives by surrendering, still fought on. At last, as the ship was now falling to pieces and on the point of sinking, the admiral, wrapping the standard round his body, clad in armour as he was, leaped into the sea. The proud spirit of the unvanquished seaman preferred the ocean for a tomb rather than captivity in the hands of his enemies.²⁴ Only a very small number of his men escaped, but a few were picked up and taken on board the Spanish vessels.

Better fortune meanwhile had smiled upon Marten Thijssen, whose conduct was in no way inferior to that of his chief. At the same time as Pater's great duel with Oquendo had begun the 'Vereenigte Provintien' had come to close quarters with the flagship of Vice-Admiral Valecilla. Promptly following in the wake of its leader, the 'Provintie van Utrecht,' in accordance with the orders of Pater, took up its position on the other side of the 'S. Antonio de Padua.' The galleon 'S. Bonaventura,' on seeing the danger of Valecilla, hastened up in its turn, and lay to on the other side of Thijssen's vessel. In this way the ships of both the vice-admirals found themselves placed between two fires. At the end of half an hour the mainmast of the 'Provintie van Utrecht' fell, and an hour and a half later the vessel was discovered to be on

²³ Thysius, *Hist. Nav.* p. 263: 'perfide a suis desertus.'

²⁴ Such is the unanimous testimony of those who draw their information from Spanish and Portuguese sources, and, as his enemies were almost the only eye-witnesses of the hero's death, there can be no reason to doubt its veracity. The narrative runs thus in Brito Freyre, p. 219: 'Cingio o Estandarte, e recebêdo major dano da mesma indignação do que quanto podia esperar da violencia contraria, precipitandose ao mar, fez a soberba e a desesperação, tumulo do valor ao Oceano Onde volutaria, mas inutil, e por ambas estas razões barbaramente se perdeu a sy, e nelle todos os seus hum grande Cabo.' Thus Santa Teresa, p. 115: 'Cingendosi a dosso lo stendardo, armato como egli era, si gettò barbaramente nell' onde, dicendo, che solo tutto l'Oceano era degno tumulo del suo invitto cuore.' Raphael de Jesus, p. 66. As we have Richsoffer's positive statement that no one at the Reciff knew the exact manner of the admiral's death, I have ventured to adopt the Spanish account, for the invention of which no motive could be assigned. Richsoffer writes in his journal, p. 113: 'Man nicht anders weiss als dass unsers Generals schiff im Brand gerathen und also zu grundt gangen, dass man noch zur Zeit von mehrern nicht vernommen, als dass vier soldaten und zween Bootsgesellen die von 250 mannen ohngefährlich mitt dem Leben davon kommen wie es aber dem heroische Helden General Pater engangen is't Gott bekandt.'

fire. After trying in vain to extinguish the flames the crew in their despair made a gallant attempt to board the 'S. Antonio,' but were driven back, and in their efforts to escape from the blazing wreck the greater part of them perished. During this time the other Dutch ships (with the exception of four ²⁵) seem to have come up, and forced the Spaniards who were not engaged to confine their attention to the protection of the transports and convoy, leaving the two vice-admirals to fight it out. The end was not long in coming. Valecilla was shot through the heart, and shortly afterwards his ship sank with all hands. Turning his attention to the 'S. Bonaventura,' Thijssen now compelled that vessel to surrender, and another Spanish galleon, the 'S. Juan Baptista,' pierced with many holes below the water line, went to the bottom. Night at last put an end to the furious contest. Both sides suffered severely. Richsoffer tells us how he himself saw the ships which had been most severely handled enter the harbour on the 24th, full of men grievously wounded. He places the total loss at more than five hundred killed and wounded, among the killed being the admiral himself, Thomas Sickes, captain of the 'Hollandia,' an Englishman, who had distinguished himself in the service of the Dutch West India Company, and Captain Cormillion.²⁶ Two Dutch ships were lost, the 'Prins Willem' and the 'Provincie van Utrecht,' both of them destroyed by fire. The Spaniards admitted the loss of fifteen hundred men on their side, among these the vice-admiral, Valecilla; three ships were sunk, one captured. Oquendo's own flagship was such a complete wreck that for three days it lay a helpless hulk upon the water, just able to float, but not to be navigated; and such was the destruction wrought among the crew by Pater's tremendous onset that it was found necessary to draft three hundred men from the six hundred intended as a reinforcement for Paraiba to replace the losses.²⁷

During the night the fleets drifted away from one another, and neither of them were desirous of renewing the conflict in their crippled condition. Leaving the 'S. Bonaventura' in charge of the 'Wapen van Hoorn,' one of the fastest sailers of his fleet, Thijssen, though it was necessary for him to make his way as soon as possible to the Reciff to refit, thought it best not to lose touch

²⁵ Richsoffer, p. 114, quoting the narrative of his friend and fellow countryman Philipp von Hannsen, who was present at the fight, gives the names of the four laggards as the 'Dordrecht,' 'Groningen,' 'Ammelsfort,' and 'Mammelick.'

²⁶ *Ibid.* p. 113: 'Auch allereerst den 14 dieses allhie angelangt darunter dann die meisten gar schadhafft, mitbringende viel gequetst volck die arm und schenkel verlohren hatten . . . welcher dann auss folgenden leicht zu glauben weilen auff unserer Seiten über 500 man verlohren, zwei Schiff nemlichen dess H. Gen. Prince Wilhelm genannt unt die Provincie van Utrecht seind in feur verdorben.'

²⁷ Albuquerque, *Mem. Diar.* fol. 59. This is the evidence of Duarte de Albuquerque, himself an eye-witness of the fight. See also Brito Freyre, p. 221; Santa Teresa p. 115

of the Spaniards. They were sighted on the 15th, 17th, and again on the 20th, when it was perceived that they were setting their course northward past Itamaraca, and that the danger was over. On the 22nd the Dutch admiral arrived off the Reciff. Here he found that news had already been brought of the fight, and that for days the council had been sitting anxiously consulting with the captains of the vessels in harbour, nine in number, as to the best means of defence to be adopted in case of an attack, and it had been resolved that the ships should be held in readiness at any moment to put to sea, either to join Pater, or to oppose a landing of the enemy. The arrival of Thijssen relieved their anxiety, though it did not take away the necessity for vigilant activity. The admiral was able to assure the council that the enemy's fleet was on its way to Spain, but at the same time he had to inform them that when seen off Itamaraca only three caravels were with the fleet, and that without doubt the reinforcements and munitions for Pernambuco had been safely landed at Paraiba. He was right. When the Dutch fleet hove into sight on the 17th a council of war had been held by Oquendo, at which, through the advice of Bagnuolo, it was determined not to venture upon another fight, but to land the troops as quickly as possible, and then, when this one of the chief objects of the expedition had been accomplished, to sail to the West Indies and convoy the silver fleet to Spain.

On the 20th, accordingly, the troops and artillery in eleven caravels, with Count de Bagnuolo and Duarte de Albuquerque, were put on shore at the Rio de San Antonio. The disembarkation was effected without interference, but two of the crippled ships, the flagship of the so-called squadron of the four towns, and one of the five Portuguese galleons foundered off Paraiba, and Oquendo, no longer holding his opponents to be such *poca ropa* as before he had tested the quality of the stuff they were made of, as has already been said, turned his course northwards, and left them in undisturbed possession of the Brazilian waters. The Spaniards have been accustomed to claim this action as a victory,²⁸ because it issued in the death of Pater and the destruction of his ship, and because subsequently the Dutch made no attempt to hinder the landing of the relief force; but if a victory it was a barren one, in which the victors lost far more heavily than the vanquished, and through which they entirely failed to loosen the hold of the Netherlanders upon the Reciff or to prevent

²⁸ The news was received in Spain with great rejoicings. Philip IV caused a medal to be struck in its honour (Van Loons, *Historie penninggen*, ii. 196), having his head on one side and on the other Samson laying low the lion of the Netherlands, and there exists in the naval museum at Madrid a picture with the inscription, 'Combate naval ocurrido el 12 de Sep. de 1631 sobre la costa del Brasil en que la armada de Española mandada da por Don Antonio de Oquendo venció y destruyó á la Holandesa bajo las ordenes del general Hanspater que morió en la accion.'

their keeping the command of the sea.²⁹ The truly splendid heroism of Pater and Thijssen more than upheld the honour of their flag, though it cannot atone for the cowardly conduct of some of their captains. The size of the Spanish galleons and the apparently overwhelming number of Oquendo's fleet were no excuse for hesitancy in following leaders who knew so well how to show the way to death or victory.

One of the first acts of the council, after the danger was past, was to appoint Marten Thijssen admiral in command of the fleet, in the place of Pater, and to give him a seat in the council; the next, to consider carefully the state of affairs. It was clearly a serious charge upon the company's resources to maintain so large a fleet and garrison at the Reciff, unless they were actively employed. In the judgment of the governor, Waerdenburgh, however, the troops were not sufficient in number to undertake offensive operations, and at the same time to defend the fortifications of the Reciff, Antonio Vaz, and Olinda. In consequence a portion of the council and the officers strongly urged that it would be well to abandon Olinda, and thus set free a number of soldiers for other enterprises. A memorial sent by Artichofsky from Itamaraca was entirely in favour of the adoption of this course, which Waerdenburgh, as his despatches show,³⁰ had long before recommended, and which at length, after long debate, met with the approval of the majority of the council. The whole of October was spent in these deliberations, but as soon as November came it was resolved that the evacuation of Olinda should be carried out at once, and all stores and valuables of every sort in the town taken to the Reciff. At the same time a muster roll was held of all the disposable forces available for the service of the company, and it was found that the numbers were, soldiers 4,199 (of whom 180 were on the sick list), negroes 921, and 2,340 sailors, altogether more than 7,000 men. By 24 Nov. everything, including the personal baggage of the garrison, had been brought from Olinda; so the troops having set fire to the town with barrels of tar and other combustibles, which completely destroyed it, marched out.

There being now a considerable force set free, the question remained to what purpose should it be employed? The Nineteen had pressed upon the council that they ought, if possible, to drive Matthias de Albuquerque from the Arreyal. As, however, the Portuguese general had but just received such large reinforcements, it was deemed useless by a direct assault to attempt to expel him

²⁹ De Laet (p. 243) with great impartiality speaks of the Spaniards as the winners, while Santa Teresa (p. 115), the panegyrist of the Portuguese, says, 'Il Patres perdi la vita, ma non la vittoria.' The verdict of Thysius, p. 264, 'nostri victores vel victi viderentur,' is quite correct; technically the Dutch were 'victi,' practically they were 'victores.'

³⁰ 27 July 1630, 12 Feb. and 24 March 1631.

from his well chosen and strongly fortified position. The officers were unanimous in recommending that the island of Itamaraca should be the objective; but the council, remembering how a number of these same officers in the previous June had held that the town of La Concepcion, whose garrison and fortifications had since been strengthened, was impregnable, preferred that an expedition should be fitted out for an attack on Paraiba. On 14 Nov. a negro who had made his escape from that place to the Reciff had given the council full particulars of the town, its garrison, and defences. Acting on this information,³¹ it was thought that it would not be a difficult operation for a force to gain possession at any rate of the mouth of the river, and by establishing themselves there to cut off the town from the sea, and eventually to capture it. The bar of the river, which was approached through a break in the Brazilian reef, was passable at high water by vessels of 300 tons burden, which were then able to ascend the stream as far as the town, which lay on the southern bank some nine miles up.³² This town, or rather village, for it contained only some 500 inhabitants, was the capital of a district which included a large number of sugar mills and plantations. It was built upon a small hill and had as its active and capable governor Antonio de Albuquerque Maraçon, a cousin of Duarte and Matthias de Albuquerque. On the sandy shore at the south side of the mouth of the river stood the strong fort of Cabedello, armed with twenty-five pieces of artillery and a garrison of 250 men under a tried old soldier, Joam de Matos Cardoso, now eighty years old, who had lived in Paraiba as a proprietor of the soil for many years with his wife and children, and had served in all the wars with the Indians.³³ The approach from the sea-shore to the town, through a dense wood intersected by many arms of the river, and barred at one point by a broad marsh impassable in winter or spring, was, in the opinion of a most competent authority,³⁴ impracticable for a land force. The only way to attack Paraiba successfully was to force the passage up the river, and this was defended by three forts.

The task, then, which the council had resolved to undertake was by no means a light one, and it was not undertaken in a light spirit, no less than thirteen companies of soldiers, 1,600 men in

³¹ The account given by this deserter, as told by De Laet (p. 248), exactly tallies with the *Descrição da Cidade e Barra da Paraiba* de Antonio Gonçalves Paschoa, piloto natural de Peniche, que ha vinte annos, que reside na dita Cidade (Bibl. Nat. de Madrid).

³² There are good plans in the works of Santa Teresa, Montanus, and in Leti's *Teatro Belgico*.

³³ *Descrição de Paschoa*, Santa Teresa, p. 117. Part of the artillery had been landed from Oquendo's fleet, and the garrison reinforced on news of the approach of the Dutch expedition.

³⁴ *Ibid.*: 'Por terra nam podem os inimigos tomar a Paraiva.'

all, being selected and embarked on nineteen ships³⁵ for the expedition. The command was given to Lieut.-Colonel Stein-Callenfels, and two councillors of policy, Carpentier and Van der Haghen, accompanied the troops.

The flotilla set sail on 1 Dec., and on the 5th arrived off the mouth of the river. Next morning the landing was safely effected under the personal supervision of Stein-Callenfels, whose own company, with which was Richsoffer, was the first to set foot on shore. They were not, however, to achieve this without opposition. Lying behind trenches, which had been thrown up on the beach, was a force of the enemy,³⁶ who opened fire upon the troops as they were disembarking, and by several charges endeavoured to drive them back to their boats. But the Dutch stood firm, and succeeded in beating off their assailants, who having to lament among others the death of Geronino de Albuquerque,³⁷ younger brother of the governor of Paraíba, and seeing the numbers of the invaders constantly increasing as fresh boatloads reached the shore, finally beat a retreat. The next step of Stein-Callenfels, who had lost about forty men killed and wounded,³⁸ was to reconnoitre the fort, Cabedello, which lay in his immediate front, with the result, that, deeming it too strong to be carried by direct assault, the council of war resolved that siege should be laid in regular form. No time was lost in the preliminary operations. A breastwork was thrown up to defend the troops against a night surprise, and such was the expedition used that at midnight 700 men were told off and ordered to set to work upon the approaches. That same night a line of trenches was completed. The next morning a direct assault of the enemy was driven off, but a raking fire was brought to bear on the workers alike from the fort and the wood, and proved most troublesome. To counteract this a force of 300 sailors was landed from the fleet, who erected a battery, which was completed on the 8th but proved far too weak to cope with the

³⁵ Richsoffer, p. 118. The list of ships in De Laet contains only 16 names, but no doubt he omitted some of the smaller vessels. Richsoffer himself took part in the expedition, and was in the forefront of danger throughout. His narrative is therefore again most valuable as that of an actor and eye-witness. On the Portuguese side there is also the testimony of an eye-witness, Fra Paulo do Rosario, in his *Relaçam breve e verdadeira victoria, que ouve o Capitão mor da Capitania da Paraiua Antonio d'Albuquerque dos Rebeldes da Olanda, que com 20 naos de guerra e 27 lanchas, pretenderão ocupar esta praça de S. M. trazendo nellas para o effeito dois mil homens de guerra recolhidos a fora a gente do mar*; Lisboa, 1632. Brito Freyre and other Portuguese writers, following Albuquerque, *Mem. Diar.* fol. 23, still further exaggerate the number of men, and are wrong in making Jan Corneliszoon Lichthardt the naval commander. Lichthardt was at this time in Holland.

³⁶ These, according to the statement of a prisoner (De Laet, p. 251), consisted of a company of Spaniards and four companies of Portuguese, each numbering 60 or 70 men, with 600 to 700 Brazilians.

³⁷ Albuquerque, *Mem. Diar.* fol. 66.

³⁸ Richsoffer, p. 118. Among the wounded was the narrator.

superior armament of the fort, the more so as on this very day the strength of the defenders was largely increased by the arrival of four companies of Spanish troops sent by Matthias de Albuquerque from the Arreyal.³⁹ Encouraged by such an addition to their numbers, the garrison were no longer content to act on the defensive. Joam de Matos on his side began to advance by approaches towards the Dutch lines, each side working during the night at the trenches, and being engaged all day long in skirmishes and cannonading. Meanwhile sickness had broken out among the Company's troops. In five days, writes Richsoffer, more than 500 men were on the sick list. The besieged were now numerically as strong as the besiegers, and had at their disposal more guns and of heavier metal.⁴⁰ In these circumstances, judging that it was useless to persevere in the face of such obstacles, the council of war determined to avoid a further sacrifice of life by retiring, and steps were at once taken to accomplish so difficult an operation as far as might be in safety.

Orders were accordingly given by Stein-Callenfels that at eleven o'clock of the forenoon on the 10th an assault should be made by six companies on the enemy's outworks. It was carried out with great courage and vigour. Taken completely by surprise, the Spaniards and Portuguese were driven out of their entrenchments, and with such energy did the Netherlanders push on that they almost succeeded in entering the fort itself with the fugitives. The gates were closed just in time, but with the assailants a number of the garrison themselves were shut out. Not knowing which way to turn, some of these tried to make their way to the woods, others to scale the walls or to throw themselves into the water; most of them were shot down or drowned; few, if any, escaped. The Dutch lost twenty killed and about fifty wounded, their opponents a much larger number. In the evening the re-embarkation began, and was carried out quickly and in perfect silence, a constant fire being as long as possible maintained from the trenches upon the fort, in order to deceive the garrison. With such skill was everything managed that on the next morning the fleet was able to start on its return voyage to the Reciff, the entire army having been shipped without opposition or knowledge of the Portuguese commander. Besides bringing back a large number of sick this unfortunate expedition lost 180 men killed and wounded.⁴¹

On the arrival of Stein-Callenfels at the Reciff on the 14th a meeting of the governor and council with the military and naval

³⁹ Albuquerque, *Mem. Diar.* fol. 67.

⁴⁰ Montanus, p. 425: 'De belegerde was sterker van volk en geschut dan de belegeraer.'

⁴¹ Fr. Paulo Rosario, who gives a detailed list of names, states the Hispano-Portuguese loss as 80 killed and 60 wounded.

officers was at once summoned, to consider what was now to be done. It was clear that so large a fleet of war ships ought not to lie idly in harbour at the cost of the Company; and therefore hoping by going northwards at once to find the enemy unprepared, and possibly to obtain help from the native tribe of the Tapuyas, with whom there had been negotiations for an alliance, it was resolved to send out practically the same force under the same officers to seize the fort at the mouth of the Rio Grande. On 21 Dec. Stein-Callenfels put to sea with ten companies and fourteen ships.⁴² Again he was foiled by the activity of the wide-awake governor of Paraiba. Antonio de Albuquerque Marañon had obtained information of the expedition, and at once despatched 200 men, under his brother Matthias, to strengthen the garrison of Rio Grande. The Dutch, as usual ignorant of the locality, found that the reefs and cliffs made it almost impracticable to land close to the fort,⁴³ which was very strong and, being built upon the reef about a musket-shot from the mainland, impregnable to assault. About six miles to the southward, at the Punto Negro, a convenient spot was at length found for the disembarkation, but nothing could be done except plundering a few farms and carrying off some cattle, pigs, and hens.⁴⁴ So on 4 Jan. the troops were once more taken on board the fleet, and on the 10th reached the Reciff. Still not discouraged, and thinking perhaps that his own presence might lead to better results, the governor Waerdenburgh himself organised yet another expedition, the objective this time being the Rio Formoso, lying almost as far south of Olinda as the Rio Grande to the north. He took with him the councillor Jan de Walbeeck, the admiral of the coast,⁴⁵ and thirteen companies of soldiers under Lieut.-Colonel Schutte, and set sail with nineteen vessels on 22 Jan.⁴⁶ The Portuguese, aware of Waerdenburgh's intentions, did not attempt any resistance, but destroyed their small fort with its stores, and retreated into the dense woods which covered the slopes of the hills behind and stretched down to the shore. Finding nothing was to be gained by penetrating into the interior, the governor in his turn, after burning a few sugar mills, made his way back ingloriously to the Reciff.

In the month of February some ships arrived from Holland, bringing reinforcements and stores, and also letters from the Nineteen complaining that nothing was being done, and giving strict injunctions that some strenuous effort must be made to capture the Arrejal or strike some other important blow. This was precisely

⁴² Richsoffer, p. 123; De Laet, pp. 256-8. Richsoffer's narrative is again that of an eye-witness. Albuquerque states wrongly that Waerdenburgh went in person to Rio Grande with 22 ships and 2,000 men, and is followed by Portuguese writers.

⁴³ De Laet: 'De perijkelen op so een onbekende en vuyte kuste.'

⁴⁴ Richsoffer, p. 124.

⁴⁵ Corresponding almost to minister of marine.

⁴⁶ Richsoffer, p. 126; De Laet, pp. 284-6. This is the last expedition in which Richsoffer took part.

what the council had been striving to do with such miserable results. The position was indeed becoming intolerable. For two years a large fleet and army had held the Reciff, but not one square yard of territory did the Netherlanders possess on the mainland. They lived, as if perpetually on voyage, on nothing but salt meat and other provisions brought from Holland. They had no vegetables, never tasted milk, and could only obtain fuel at the risk of their lives in the pathless forests. Even the captured galleon 'S. Bonaventura' had been cut up for firewood. Having no guides and fearful of falling into ambushes, the Dutch leaders did not dare to venture away from the sea-shore, and so left the Portuguese masters of the interior. These, on their side, were no doubt suffering considerably from the constant presence of the Dutch cruisers along their coasts, but their state was in every way preferable to that of the invaders, whose base lay on the far side of the ocean, separated from them by a voyage of several months' duration. The urgent despatches from the Nineteen were therefore absolutely justified, as the drain upon the Company's resources was becoming serious, and only two courses seemed to be open to them, either to relieve the present dead-lock by some striking success or to give up any idea of attempting the conquest of Pernambuco. Yet it was difficult to see what was to be done. Three attempts at vigorous action had in the course of the past few weeks ended in failure, and the military authorities would not admit that a direct attack on the Arreyal could be safely attempted.

At last, after long deliberation, and not until a careful reconnaissance had been made of the nature and position of the place, it was decided by the council to make an attempt on Cabo S. Augustin. For this a fleet of eighteen ships, under Admiral Thijssen, were got ready, and on these fourteen companies of soldiers were placed. Waerdenburgh himself took the command, with Stein-Callenfels under him, and on 13 March the expedition, accompanied also by Councillors Carpentier and Walbeeck, set sail from the Reciff for the appointed destination. At Cabo S. Augustin the squadron was joined by five other vessels that were cruising off the coast. Yet with this force nothing was effected. Waerdenburgh, with the two councillors and Stein-Callenfels, having set out with three boats to seek a fit spot for landing, found the approach, owing to reefs, impossible, except to one small bay, and on entering this they discovered that Conte Bagnuolo had thrown up entrenchments close to the shore, and that these were occupied by 300 men, ready to resist any disembarkation. Inland on a bare hill rose the town of Nossa Senhora de Nazareth, in defence of which the Neapolitan general had erected a fort with four bastions, known as Fort Nazareth. Wherever the Dutch turned they found their enemy

prepared to meet them and strongly posted; and once more, with what seems a strange lack of resource and energy, they resolved to abandon any attempt to surmount the difficulties which opposed them. Without so much as firing a shot the fleet returned by the way it came, and after an absence of six days anchored once more in the harbour of the Reciff.

This collapse brought matters to a climax. As the great fleet could apparently achieve nothing in Brazilian waters, it was determined to send away Thijssen, with nineteen ships, first to seek out the enemy in the West Indies, and then to return straight to Holland. With Thijssen sailed one of the councillors, Serooskercken, Colonel Stein-Callenfels, Major Cray, and others, who after two years' hard service were anxious to see their homes again. Among these was our old friend Richsoffer, from whose valuable journal we now with regret part company.⁴⁷ The thirteen ships that remained were placed under the command of Jan Maat, who, as captain of the 'Walcheren,' had so valiantly supported Pater in his fight with Oquendo; he was named admiral of the coast in the place of Jan van Walbeeck, who now became president of the council.

Immediately after this occurred an event of apparently slight importance, but one that was in reality the turning-point of the fortunes of the Dutch in Brazil. On 20 April a mulatto, by name Domingo Fernandez Calabar, a native of Pernambuco,⁴⁸ deserted from the Portuguese and arrived at the Reciff. What were the grounds of his desertion is not accurately known, but the Portuguese writers assert that he was flying from punishment for his crimes. Be this as it may, this man, who had served Albuquerque with valour and been wounded at the assault on the Arreyal on 14 March 1630, now deliberately broke his allegiance and passed over to the enemies of the king of Spain. In doing so he carried with him precisely what those enemies wanted, an accurate knowledge of the country, combined with great intelligence and courage and considerable military skill.⁴⁹

The result of his presence in the Dutch lines was quickly seen in the planning and successful carrying out of an inland expedition, the first that the invaders had dared to attempt.⁵⁰ It was pro-

⁴⁷ Richsoffer continued the journal throughout his voyage until his arrival home at the end of November.

⁴⁸ Albuquerque, *Mem. Diar.* fol. 77. He was born in Porto Calvo.

⁴⁹ *Ibid.* p. 78: 'Siendo de mucho valor, i astucia, i el mas platico en toda aquella costa i tierra que el enemigo podia desear.' Brito Freyre, p. 239, says of him: 'Para ser causa de grandes danos tão pequeno instrumento.' The later successes of the Dutch are ascribed to Calabar's local knowledge and skill by Santa Teresa, p. 120; Raphael de Jesus, p. 69.

⁵⁰ A full account is given by Waerdenburgh, himself of this expedition, in his despatch dated 9 May 1632, which is followed by De Laet with his usual accuracy pp. 289-90. Compare Albuquerque, *Mem. Diar.* fol. 78-9.

posed to surprise the town of Igarazu, which lay some sixteen or seventeen miles to the north of the Recife, and from four to five miles from Fort Orange, on Itamaraca, from which post boats could ascend as far as the town by a navigable stream. Igarazu was an older settlement than Olinda, but had been declining in prosperity until the capture of its rival by the Dutch. This event had driven the rich merchants and citizens of Olinda to take refuge in the neighbouring town,⁵¹ and in 1692 this had become the centre of trade and of the sugar industry in the district. The idea of Calabar was that a forced night march should be made through the woods by a path with which he was well acquainted, so that the troops should arrive before the town at early dawn, seize it by surprise, and carry off the spoil in boats, sent for the purpose by Artichofsky, down the stream to Fort Orange, before it was possible for the Portuguese general to send help from the camp of Bom Jesus for its defence. It was not without hesitation that Waerdenburgh gave his consent, as he knew by experience the vigilance of Albuquerque's scouts, and he did not as yet place implicit faith in the fidelity of the mulatto deserter.⁵²

Five hundred men were selected to take part in this hazardous expedition, consisting of five companies of musketeers and one company of pikemen, the governor taking Major Rembach with him as second in command. Thirty or forty negroes carried the necessary stores. The start was made at 6 p.m. on 30 April, along the beach below Olinda, but not without being seen by two mounted outposts of the enemy, who at once hurried off to take the news to the Arreyal. It was now the rainy season, and three streams lay in their way. Fortunately the two previous days had been fair, or in all probability the flooded waters would have proved unfordable. As it was, on one occasion they had to wade for more than a mile. Soon night fell upon them, but onward they pushed over stony hills, and through dense woods, along a track so narrow that the men could only walk in single file, and in such obscurity that when the moon set at 3 a.m. it was so dark that no one could see his neighbour, and many wandered from the path. At the break of day four wagons were met upon a hillside. This was awkward, as safety depended upon concealment. The drivers were therefore immediately cut down, as also other persons encountered on the road,⁵³ there being no time to parley, and villages and

⁵¹ Its full name was Villa do Santo Cosmo de Garazu, or Igarazu. It was generally called Garazu or Garasu by the Dutch, as we have the double forms Tamaraca or Itamaraca, Taparica or Itaparica.

⁵² Waerdenburgh's words are, 'Alle dese periculen rusten doen ter tydt op de trouwe ofte ontrouwe van eenen neger, de mij als guijde diende op welcken Voick sig nochtans weynich is te verlaten.'

⁵³ Varnhagen (*Os Holandezes no Brazil*) condemns these proceedings as barbarous; but he seems to forget the circumstances and necessities of this particular case, and

sugar mills were known to lie within a very short distance of the line of march. These were carefully avoided by the skill of the guide, and in the morning Waerdenburgh found himself before Igarazu without any one being aware of his approach. It was the feast of SS. Philip and James, and a large number of the inhabitants were at mass, while others were so free from suspicion that when they saw the Netherlanders from their doors they imagined they were some of their own troops *en route* for Itamaraca. The governor divided his force into two parts: half he left drawn up in battle order under Major Rembach; the other half he led himself to the town, where, despite the unexpectedness of the attack, a brief but fierce resistance was made. In the sharp fighting that ensued above one hundred of the inhabitants, including several persons of distinction, lost their lives; most of the others fled, carrying off their wounded, while a number of prisoners were made, among these five or six priests. The Dutch on their side did not escape unscathed. Such was the vigour of the improvised defence that the assailants did not gain possession of the town but at the cost of seven or eight killed and twenty to twenty-five wounded, in which number were Major Rembach and several officers. As soon as resistance was over Waerdenburgh took steps to prevent excesses. Having found 200 pipes of wine, he gave orders that the bottoms should be knocked out, lest the men should get drunk and disorderly, and be unfit for continuing their journey. Among the inhabitants who had not been able to fly were a number of women, many of them more than usually well-favoured; these he placed for security in the church of St. Cosmo, and appointed a guard of musketeers to see that they suffered no outrage. The town, which was rich in booty, was then given up to be sacked by the soldiery, after which it was set on fire in several places.⁴⁴

Having thus thoroughly achieved the object of his march, and not wishing to risk anything by delay, Waerdenburgh embarked his men in the boats that were awaiting them, and brought them down safely, laden with spoil,⁴⁵ as the day was closing, within the shelter of Fort Orange. The troops sent to the rescue by Matthias de Albuquerque arrived too late. This blow was severely felt, and caused much despondency in the minds of the Pernambucans. Duarte de Albuquerque himself, who was now in his brother's camp, the fact that from the first it had been a war of reprisals. Humanity was a virtue held of small account by either combatant.

⁴⁴ There are no grounds for believing the accounts of the barbarities committed by the Dutch troops in the pages of Brito Freyre, Santa Teresa, and others. The statements of Waerdenburgh are evidently trustworthy, and have been accepted as such by Varnhagen, p. 90. De Laet, who not only had access to all the official documents, but had read the letter of the priest Serrao describing the capture, gives the same testimony. Montanus, p. 430, writes, 'Alzoo hier veel schoon vrouw-volck was besloot hij alle binnen Cosmus kerck om tegen schennis te bevrijden.'

⁴⁵ Valued by Serrao at 20,000 to 30,000 crusaden of three gulden each.

was obliged to acknowledge that it boded ill for the defence if the Dutch began to make expeditions by land and to pillage the country.⁵⁶ He was right. The success at Igarazu was but the prelude to others in different parts of the land. Calabar was most active, always proposing fresh enterprises, pointing out the places most suitable for attack, and frequently serving as guide. At the Rio Formoso, at Barra Grande, and at the Porto Francese, the troops, under his skilful conduct, were able to penetrate inland, to destroy and plunder sugar plantations, mills, and villages, and to return with loot and supplies to the Reciff. The Dutch even began to take a leaf out of their opponents' book by setting ambushes, and with success. It was at this time, when the tide of fortune was clearly setting against him, that Duarte de Albuquerque sent an envoy, named Pedro Alvarez,⁵⁷ to the council, offering to pay the West India Company an indemnity of several thousand chests of sugar if they would evacuate the land. The reply was a refusal under the form of a counter-proposal advising Albuquerque to surrender his territory on favourable terms. The council, in fact, knew from captured letters⁵⁸ that the Portuguese leaders did not expect any further help from Spain, and that the forces at their disposal were inadequate for the defence of so large a country.⁵⁹ They accordingly drew up a manifesto addressed to the sugar factors and inhabitants of Brazil,⁶⁰ putting before them the hopelessness of resistance and the advantages of submitting themselves to Dutch rule, a promise, in fact, being made that as Dutch subjects they should receive the remission of half their taxes, liberty of worship, and freedom of trade. But the settlers were not to be seduced by honeyed words, and the timely arrival of some Spanish caravels in the harbour of Cabo S. Augustin, which had successfully run the blockade of the Dutch cruisers, enabled the brothers Albuquerque to keep up their courage by pretending that these were an earnest of coming succour.

The period of Waerdenburgh's long and distinguished service was now at length drawing to an end. He had for some time been pressing upon the directors of the Company his desire to be relieved from his post, and also the necessity of sending out fresh troops to replace those whose three years' term of service had expired. His requests were duly considered by the Nineteen and approved, and it was resolved that in the autumn of the year 1632 two of their

⁵⁶ Albuquerque, *Mem. Diar.* fol. 80.

⁵⁷ He was well known at the Reciff, having been a prisoner for some time in the hands of the Dutch.

⁵⁸ De Laet, p. 289.

⁵⁹ Albuquerque (*Mem. Diar.* fol. 83), in a letter to the king, states that he had only 1,200 men, scattered in many places, with 300 Indians, adding that the country was at the enemy's mercy.

⁶⁰ 'Aen de S^r van de Ingenios ende Inwooners van Brazil.'

own body, Matthijs van Ceulen, of the chamber of Amsterdam, and Johann Gijsselingh, of the chamber of Zeeland, should set out for Brazil, to assume the conduct of the government under the title of directors delegate, and should take with them ships and reinforcements. Accordingly on 8 Oct. Ceulen left the Texel with three ships, 'De Fama,' 'De Zutphen,' and 'De Otter,' followed by 'De Haringh' three days later, and on the 13th of the same month Gijsselingh set sail from Flushing with two vessels, 'De Middelburgh' and 'De Leeuw.' The Amsterdam director outstripped his colleague, as he arrived at the Reciff on 14 Dec., while the Zeeland contingent did not reach their destination till 17 Jan. Waerdenburgh remained only a sufficient time to see the new-comers fairly installed in office before bidding farewell to the place, the capture of which had made his name famous. He started for Holland on 8 March with five ships, accompanied by his old companions in arms Lieut.-Colonel Schutte, Major Berstedt, and a number of other officers, by the president of the council, Jan van Walbeeck, and 500 soldiers.

The labours of these men had not been in vain. By their tenacity and valour they had succeeded in giving to the Dutch West India Company a firm foothold in Brazil, and they left to their successors the task of using the impregnable base of operations which they had secured in the Reciff as a *place d'armes* from which to extend their dominion over the whole of Pernambuco. These years of hard and chequered experience had thoroughly acclimatised the Netherlanders in their new and strange surroundings. The period of struggle was over, that of expansion about to begin. The story of the Dutch power in Brazil during the next decade forms, perhaps, the most striking and brilliant chapter in the annals of seventeenth-century colonial enterprise.

GEORGE EDMUNDSON.

The State and Education during the Commonwealth

MR. ARTHUR F. LEACH wrote in the *Contemporary Review* for September 1892, 'If the ordinary educated person were asked to whom our system of secondary education was mainly due, and who was the founder of most of the grammar schools on which it chiefly rests, he would answer, without hesitation, Edward VI.' In the course of a brilliant article Mr. Leach shows how entirely unfounded on fact is the reputation of Edward VI, and eventually styles the youthful king 'spoiler of schools,' not restorer of them. Mr. Leach's contention that the educational impulse which resulted in the growth of English schools was not due to Edward VI may be extended, as he himself hints, to Henry VIII. In fact, it is not too much to say that the royal personal foundations of Henry VIII, Edward VI, and Elizabeth put together are insignificant in comparison with their confiscations.

During the time of the Tudors we had in England the revival of learning and the reformation of religion. The reformation of education is always the last wave on the tide of culture, and naturally, therefore, came a generation or two later. I cannot now trace the educational wave from the point of view of the literature of the subject. I shall in this article attempt to show the movement in the practical domain. This impulse towards the 'reformation' of schools, parallel in some degree to that of religion, can be traced—in the treatment of educational literature—through the period 1600–1640, but appears in its full vigour in the age of Cromwell, 1640–1660. This conclusion, founded upon a study of the educational literature of the period, is curiously confirmed by a reference to the statistics of school foundations. I quote from the elaborate and painstaking inquiry of Mr. Horace Mann, the American educationist, in that most comprehensive educational census which he made for the English government in 1851. The number of schools founded between 1501 and 1601 (*i.e.* including a portion of the reign of Henry VII, with the whole of those of Henry VIII, Edward VI, Mary, and within two years of the whole of that of Elizabeth) was 185. That was the work of a century, and included the whole of the endowed schools of royal, corporate, and private founders. Between 1601 and 1651, *i.e.* within the next half-century,

there were 186 endowed schools founded. That is to say, the period ending with the age of Cromwell shows an activity of school-founding on an average twice as vigorous as that of the Tudors. I agree, therefore, with Mr. Leach in rejecting the common tradition of the intensity of the school-foundation impulse as being greatest with Edward VI, but I wish further to emphasise the indications of exceptional educational energy as evident in the first half of the seventeenth century, particularly in the age of Cromwell.

School-founding is not the only sign of educational life. It is curious that the first government grants of the nineteenth century given from the treasury in 1882 to elementary schools were for bricks and mortar, and that it took years to reach the philosophy of Mrs. Browning, that it 'takes a soul to move a body,' by providing any educational standard as to the sort of teaching and of teachers in grant-aided schools. Between 1640 and 1660 there was abroad a desire to reconsider the educational problems, and to consider them not only from the point of view of bricks and mortar, but also as to the work and functions of the school in the community, and the educational ends which should be kept before the schools. There was a spirit of enthusiasm as to the teacher's work—the recognition that teaching was a noble task. How clearly the desirability, nay, the necessity, of considering as of first importance the qualification and proportion of the teachers is realised by Samuel Hartlib, for instance, will be at once noticed from such a passage as the following:—

The training up of scholars in one school or two, though very great and most exact, reformed, will be but an inconsiderable matter in respect of a whole nation, and have no great influence upon the youth thereof, where so many schools remain unreformed and propagate corruptions; therefore the propagation of reformed schools is mainly aimed at; and to that effect the training up of reformed schoolmasters is one of the chief parts of this design . . . And the schoolmaster in a well-ordered commonwealth is no less considerable than either the minister (of religion) or the magistrate, because neither the one nor the other will prosper or subsist long without him.

Hartlib enunciates this principle in a preface to the 'Reformed School,' by John Dury, which must have been written by 1650, for in that year John Dury put forth his 'Reformed Library Keeper' in continuation of the 'Reformed School.' Dury, after receiving a letter of approbation and appreciation from Hartlib of the 'Reformed School,' writes, 'I would be more glad if God would open it a way for us to put it in practice.'

Education was recognised as a matter of national concern by James Harrington in his 'Oceana.' Free schools, he says, ought to exist, 'erected and endowed to a sufficient proportion' for the children of the people. They should, for the sake of continuity in

removing from one to another, be governed 'by the strict inspection of the censors of the tribes.' Education ought to be compulsory. Parents of one son may educate him as they think well, and at their own expense, but a parent of two or more sons may send his sons to school gratis, till fifteen. Harrington, indeed, suggests that education should be, as we say, free, universal, and compulsory. It should, perhaps, be noted that he does not explicitly include girls in the scheme.

It is not necessary to dwell long upon so well known a work as John Milton's tractate 'Of Education.'¹ He speaks of the reforming of education as one of the greatest and noblest designs that can be thought on, and, thanks to Hartlib's 'entreaties' and 'conjurments,' we have Milton's opinions on the subject. But the reason I refer to them at all in this connexion is that Milton conceived that he was writing something eminently practical, and suggested these more or less localised university colleges of 150 students should be planted up and down the country. After the pattern proposed there should be 'as many edifices as may be converted to this use as shall be needful in every city throughout this land.' Similarly John Hall, in his 'Humble Motion to Parliament,' urged the reformation of the universities as the first desideratum, pointing out that the universities ought to be providing not only the absorbers of scholastic learning but also the dispensers of 'real' knowledge, so that the 'ways of education should be made smooth and children with a pleasant success be possessed of all the treasures of real knowledge ere they could have thought they had entered the gates.' What could have been more significant for educational progress if national education should have become organised, under the direction of men bent upon the culture and training of the teacher as a directly recognised and as the first consideration?

This is what nearly happened in England in 1641. Parliament in that year invited the great Comenius;² the father of educational method, to visit England, with a view apparently to his taking an active share in assisting and directing Hartlib in the promotion of the educational reform of England. It is, indeed,

¹ See also Milton's *Ready and Easy Way to establish a Free Commonwealth*, in *Prose Works*, iii. 427. 'They should have here [*i.e.* in England] also schools and academies at their own choice, wherein their children may be bred up in their own sight to all learning and noble education; not in grammar only, but in all liberal arts and services. This would soon spread much more knowledge and civility—yea, religion—through all parts of the land, by communicating the natural heat of government and culture more distributively to all extreme parts, which now lie numb and neglected, would soon make the whole nation more industrious, more ingenious at home; more potent, more honourable abroad. To this a free commonwealth will easily assent (*nay, the parliament hath had already some such thing in design*), for of all parliaments a commonwealth aims most to make the people flourishing, virtuous, noble, and high-spirited.'

² For a full account of this visit see Masson's *Milton*, iii. 199-215.

uncertain with what reform he was to have been entrusted, and over what area he was to have had direction. But from the general characteristics of Comenius it is clear that he would not have been satisfied with any system of reforms of a less drastic nature than those suggested by Dury and Hartlib. It is worth pointing out, too, that rarely has a great educational reformer had such a sympathetic and capable lieutenant as Comenius had in Hartlib for reducing noble and far-reaching reforms to practice. Judging from the writings of Comenius, Dury, and Hartlib, judging from their clear perception and hearty enthusiasm for the social movement of the time, there can be no doubt that England was on the verge of an organisation of elementary, if not of secondary, education.

The triumvirate of Comenius, who visited England in the winter of 1641-2, Dury, and Hartlib was capable of great things educationally. Comenius's visit to England was in the year of the struggle over the Remonstrance, 1641. In that year³ the house of commons resolved, on Hyde's report,

that all deans, deans and chapters, archdeacons, prebendaries, chapters, canons and petty canons, and their officers shall be utterly abolished and taken away out of the church; and secondly, *that all the lands taken by this bill from deans and chapters shall be employed for the advancement of learning and piety*, provision being had and made that his majesty be no loser in his rents, firstfruits, and other duties, and a competent maintenance shall be made to the several persons concerned, if such persons appear not peccant and delinquent to the house.

Here, then, were revenues voted directly for the 'advancement of learning and piety,' and the three friends Hartlib, Dury, and Comenius, *tres juncti in uno*—Hartlib, the most enterprising man of his age;⁴ Dury, the most conciliatory;⁵ and Comenius, the most keen-sighted educationist in Europe⁶—ready to organise. That parliament would have supported three such authorities, and smoothed the way towards a settlement of the reformation of schools, there is a strong presumption. But the moment of opportunity was lost by the outbreak of the civil war. Comenius withdrew from England, and by the time of the end of the civil war other more pressing needs for the large revenues appropriated as confiscated from the church were too obvious to be overlooked in favour of education.

As to the amount of the revenues confiscated from the deans and chapters, it appears that a sum of not less than 2,000,000*l.* of capital value was disposed of for purposes of state, fitting out an

³ *Journal of House of Commons*, June 15, 1641, ii. 176.

⁴ See Masson's account of Hartlib, *Life of Milton*, iii. 215-31.

⁵ See *Dictionary of National Biogr.* xvi. 261-3, article 'Durie John.'

⁶ See S. S. Laurie's *Life of Comenius*.

Irish expedition, &c. Over and above this there was an annual income of 50,000*l.* or 60,000*l.* administered between 1643 and 1650 by the Committee for Plundered Ministers, and between 1651 and 1658 by the trustees for the maintenance of ministers. It will thus appear that the resolution of the commons devoting the revenues from the confiscated ecclesiastical property to the 'advancement of learning and piety' went for the most part to 'piety' only; but not without a protest. Of course many of the ministers made conspicuous advocacy of the importance of 'learning' and a 'learned ministry,' and the conjunction of 'learning and piety' in the ministers may have seemed to many not only a justification of the devolution of the revenues entirely to them without regard to the laity, but there are the clearest indications that, in the minds of the more progressive, universal education of children was included in the idea of the advancement of learning and the 'reformation.' It is essential to prove this point, because it is incontestable that if it be the fact that there was a distinct demand from the more democratic side, as well as from the educationists of the period, then to the Commonwealth is to be ascribed the origin of that social and religious impulse which has only in our own day found national satisfaction, after a delay of two hundred years.

In the British Museum ⁷ is a remarkable broadside entitled 'A Good Motion.' It is dated 14 Jan. 1646, but is anonymous. It shows what was the popular interpretation of the house of commons' resolution, viz. the encouragement of the 'learning' not only of those who already had had a good grammar school education, but of those poorer children for whom there were no available schools.

If the rich (this document begins) will deale their Bread to the Hungry, Isaiah 58, 7, by forbearing one Meal's Meat in a week,⁸ and giving the value of it but for one year to maintain the children of the poor; and the poor do the like to maintain their owne children, the rich may be re-imbursed in one year.

The method proposed is to borrow 400,000*l.* on the 'assurance' of the bishops' temporalities, and to devote the 'whole revenue of the bishops' temporalities to breed up children in learning.' More than this:

A glorious university may be founded in London, every Bishop's House in the counties be employed as Eton College, victuals become cheaper; spiritual and corporal famine be avoided. And all these (in reason) be certainly effected without expense of one halfpenny.

The writer points out that

⁷ Pressmark, 669, f. 10/108.

⁸ Referring to the 'weekly meal,' the value of which was paid to the defence of London.

the value of one meal in a week in each Parish (one with another) amounteth but to twenty shillings (there being almost 10,000 parishes in England), and ten thousand pound weekly amounteth to five hundred thousand pounds in one year; then in one year the four hundred thousand pounds will be re-imbursed with an over-plus, and God, the Rich, the Poor (yea all) be well pleased.

This curious, acute, and philanthropic appeal seems to me to sound the note of popular educational interest and energy which we are accustomed to suppose first showed itself in England about 1892. This paper of 1646 is suggestive of an 'education-mad' set, for all the world like that of Brougham and his associates. The paper quoted is issued in London, but in other portions of the country people were awakening to an educational problem. I will instance two cases, that of Lincoln and that of Gloucestershire.

In the 'Perfect Diurnall' of 26 March 1649 is given the 'Humble Address of the free and wel-affected People and Inhabitants of the County and City of Lincoln.' This was sent to Lord Fairfax and the general council of war. The following is a copy of clause 9 of that address:—

That some Public Schools for the better education and principling of youth in virtue and justice, would soberly be considered of and settled, that so by not leaving them look to themselves and their careless Parents (the Laws being deficient to instruct them well when children, though not to punish them for it when men) *they may not remain liable to be scourged for the faults of their natural and civil Parents rather than their own*, as they now do. Besides that, according to the structure this generation propounds to build for the next, it may not again incline to fall by its own weight, *through negligence of timely preparing fit materials to support and confirm it.*

No words could express more neatly the modern arguments on which the interference of the state with education is founded than the lines italicised.

'Gloucestershire's Desire' is the second title to the 'Vox Populi,' to which Samuel Harmar gives expression in 1642. The declared object of his small book is the 'setting up of schoolmasters in every parish throughout the land generally.' Nothing could be more remarkable than the clearness with which he announces his object on his title-page, except perhaps the almost universal neglect he has received.* Harmar's pamphlet takes the form of a petition to parliament, and urges the necessity of the education of *all* children in a parish, 'as well the poor as the rich.' At least reading, writing, and the principles of religion should be taught to every child—the very subjects, it may be noted, which became

* I have written more fully on Harmar in an article in the *Educational Review*, June 1894, from which I have here borrowed.

the curriculum of the charity schools which arose like mushrooms about the end of the seventeenth century, the first having been built before 1685.¹⁰ Harmar has very clearly in his mind the joining of 'religion and piety.' Ministers of religion complain that so little can be done in the way of training their flocks. Harmar suggests that this poorness of spiritual harvest is largely due to the lack of a school education.

Harmar's main argument is the one which had so much weight in the earlier portion of the present century, viz. that the early days of youth spent idly are a source of mischief and danger to the community. Harmar's words are vigorous, and I quote them not only on that account, but also because they seem to me inevitably to suggest the introduction of *compulsory* school attendance.

This idle life (he says) at length leadeth poor children either to become beggars or thieves; and this is one cause why countries and cities are so opprest with beggars in many places at this present; and if it happen that these idle persons cannot get their living by begging, they will adventure to steal, and so do much hurt many years to many of the king's subjects before they be taken; and all this mischief to the Land in general doth greatly arise from the first cause, which is the want of a Schoolmaster in every Parish.

Harmar makes the suggestion (startling to find in 1642), Why should not the law allow a 'rate on men's estates for the teaching of young children,' as well as for relieving the poor?

From the London broadside of 1646, the city of Lincoln address of 1649, and Samuel Harmar's 'Gloucestershire's Desire,' there can be no doubt of the widespread feeling urging towards a national system. That this was a hope in which the educationists joined goes without saying, but for the purpose of strengthening the claim of the Commonwealth to be regarded as the period when the modern tide of the democratisation of education set in I will only briefly illustrate further from Samuel Hartlib and Charles Hoole, though other educationists of the period might also well be added.

Samuel Hartlib's 'London's Charity Inlarged' (1650) is an earnest appeal to 'still the orphan's cry,' to grant money (the sum named is 1,000*l.*) towards 'work for the employment of the poor and education of poor children, who many of them are destroyed in their youth for want of being under a good government and education.' Hartlib calculates that 100 children can have three meals a day, and the officers of a school and workhouse can be obtained for 120*l.*—of which the schoolmaster is to have 20*l.*, with lodging—the total expense for teaching and feeding altogether he puts at

¹⁰ See William Blake's *Silver Drops, or Serious Thoughts*, 1685, giving an account of his charity school for 'near 40 poor or fatherless children born all at or near Highgate, Hornsey, Hampstead.'

461*l.* 5*s.*, but calculates that the 100 children can earn 260*l.* 5*s.* The total outlay he puts at 201*l.* 5*s.*, and for 500 children, therefore, roughly, 1,000*l.* 'We conclude,' he says, 'if the City of London should lose 1,000*l.* per annum in this work, yet they would gain by it, in the preservation of 500 children and more; for if children are not kept under a government they will in time grow to a generation of ungodly wretches . . . and so become a burden to the Commonwealth.' Evidently Hartlib is proposing what we call an industrial school, but his argument is the modern one of education as a preventive of crime.

In the remarkable preface or 'Advertisement' to the translation of Cato's 'Distichs,' published in 1659, Charles Hoole replies to certain critics charging him with the prostitution of learning: 'I have wondered to hear that some of our profession should blame others for going about by those means to prostitute learning and to make the way of knowledge too common a thing, which,' adds Hoole, 'in my judgment is impossible.'

I have now spoken of the projects and aspirations of the Commonwealth period, in matters concerning the education of youth, and of the remarkable opportunity just before the outbreak of the civil war for a 'settlement of the reformation of schools' and their propagation.

It may at once be said that the assumption that Cromwell's government had any ill-will against the universities and schools, or attempted to damage them, is entirely opposed to the facts. For example, the act for the sale of the deans and chapters' lands was specially exempted from applying to any college or house of learning. Moreover, 2,000*l.* per annum was ordered to be employed for the increase of maintenance of the mastership of colleges. Commissioners were appointed by ordinance for 'visiting' the universities, and also for visiting the schools of Westminster, Winchester, Merchant Taylors, and Eton (Scobell, 2 Sept. 1654). In the act for the sale of the deans and chapters' lands is the express section: 'That all and singular the revenues, rents, issues, fees, profits,' &c., whatsoever which before 1 Dec. 1641 'have been and then ought to be paid, disposed, and allowed unto and for the maintenance of any grammar school or scholars . . . shall be and continue to be paid as they were before the said 1 Dec. 1641, anything in this present act notwithstanding.'

Such a proviso required a strong hand to secure its effectual carrying out. There is a remonstrance of the commissioners for charitable uses in Middlesex to the Protector, given in the 'Calendar of State Papers,' 31 July 1655. It is interesting as showing the difficulties with which Cromwell had to contend in dealing with educational matters. But there is no sign, notwithstanding the

urgency of the commissioners, that Cromwell gave the slightest response in their direction.

It is one of our many mercies that, while you converse with kings and great ones abroad, you note the condition of poor Lazarus at home, and order us to find a way for relief of the afflicted poor; but our hands are tied by the filth of corruption in the administration of charitable uses, and the fountain so dammed up that languishing souls are tantalised by the near approach of a remedy of which they cannot reach the least drop.

You have given ample powers to the county commissioners to reform abuses, on the act of 48 Eliz., but they are checked by a proviso in the act that it is not to extend to towns, colleges, hospitals, or schools where there are special governors appointed by the founders to govern lands, &c., left for charities, and this proviso is the plea of the grand delinquents. We beg its removal, as being contrary to law, and striking at the heart of the act, exempting all special governors and visitors from appeals; it is also against equity, but this was not understood by the house before its passing.

We beg you to use the legislative power, which resides wholly in you during the interval of parliament, and either pass an additional ordinance qualifying this proviso, or, if this be deemed too high a demand, an expedient of less noise would be to constitute the commissioners in this employment special visitors, governors, and overseers *pro tem.* in their respective jurisdictions, reserving the profits to the ordinary incumbents.

What now did the council of the Commonwealth actually do for education? We might expect *a priori* that the state would be favourably disposed towards education in England, considering that the council in 1658 made a grant of 1,200*l.*, the whole of which was to go to the Scotch schools,¹⁰ and in the same year occur the following allowances to schools in Piedmont:—

To the chief schoolmaster of the valley	20 <i>l.</i>
To the ten under-schoolmasters of the valleys	6 <i>l.</i>
And to the three under-schoolmasters in Perosa Valley 3 <i>l.</i>	
per annum	89 <i>l.</i> ¹¹

Finding such grants to schoolmasters in Scotland (the grant to the Piedmontese has, it must be confessed, a political rather than an educational significance), it would be surprising if English

¹⁰ *Cal. State Papers*, Domestic Series, 4 May 1658. Declaration by the Protector: 'Finding it a duty not only to have the Gospel set up, but schools for children erected and maintenance provided therefor . . . We and our council, desiring that the people may be instructed in the knowledge of God, their children educated, and vice suppressed, have appropriated 1,200*l.* a year to be proportioned by our country in Scotland to these purposes.'

¹¹ The other items to professional men are: To John Leger, the chief minister, for expenses in entertaining those who come to him on business, 100*l.*; to Mr. Le Preux, gratuity, 40*l.*; to each of the eight ministers in Duke's dominion, 40*l.* per annum; to each of the three ministers of Val Perosa, 10*l.* per annum: total to ministers, 350*l.* To students in divinity and physic, 40*l.*; to a physician and surgeon, 35*l.* (*Cal. State Papers*, Dom. Series, 18 May 1658).

education were entirely neglected by the council. Without attempting a comprehensive statement of the connexion of the state with education in the period, I hope to illustrate the relations in several directions, and to offer sufficient evidence to show that the recent historians of elementary education in England (*e.g.* Sir Henry Craik in his 'State Education' ¹²) are not absolutely correct in giving the impression that the *first* grant to elementary education in England was made in 1832.

The Case of Grimston.—I choose this illustration because the details are fairly clearly given. Here is the account in the 'Calendar of State Papers,' 26 June 1656:—

There are in or near Grimstone 100 families, half of them unable to read, and within four miles thirty other villages without a schoolmaster; whereupon twenty years ago some well disposed persons erected a school, and endowed it with 5*l.* or 6*l.* a year; but through these distracted times no addition has been made, as was hoped for, so that the school-house is fallen into decay, the master gone, and error and malignancy like to flow in upon them. But, that learning may not be altogether discountenanced, these persons have now provided a well-affected schoolmaster, an M.A., and intend to repair the school. Beg an augmentation for the school, which will oblige them to double their devotion and prayers for his long and prosperous life.

Five signatures are added, with a certificate by Thomas Toll, and seven other justices of peace near, that Grimston is poor but populous; that a small house and two or three acres of land have lately been given for a schoolmaster, and that Edward Smith, who has been provided, is fit for the place and well affected, with eight signatures. Then follows

Order in Council: To recommend the trustees for ministers to settle 30*l.* a year on the Grimston schoolmasters. Approved June 27.

In comparing such an order of council with the education grant of 1832, it is worth noticing that the latter had reference only to aids to school-building, whereas this of 1656 is to the maintenance of a teacher.

The Case of Pwllheli.—This illustrates the council of state acting as charity commissioners. Report is made by referees as to Bottwonnog free grammar school, county Carnarvon,

that the bishop of Bangor in 1616 devised a house to maintain the school to be erected at his charge, the schoolmaster to have 20*l.* a year; that it was built by his executors, but in open fields, a mile from any house, and inconvenient for lodging and diet of the scholars, Pwllheli, the nearest town, being five miles off, and that for two years no school has been kept. Ordered that the trustees dispose as well as they can of the present school-

¹² Sir Henry Craik traces the history of 'The State and Education' to the date of the 'First' annual grants. He does not mention the Commonwealth.

house or its materials, and build one in Pwllheli, with a master's house, and apply to its maintenance the funds left for the school at Bottwonneg. Approved 12 May.

To turn from schoolhouses to schoolmasters. In illustrating the following cases of inquiries by the major-generals, I do not wish to suggest that their granting permission to certain persons to continue to teach implies any encouragement on the part of the state to education. Of course the significance of their action is simply that, in these cases, the state does not regard the persons named as politically dangerous. Yet even these instances have their importance as illustrating state interference with teachers, as teachers. This is of especial interest in the case of granting licenses to teach. For in the older order of things licenses to teach had come from the church, through the bishops in each diocese. Under the Commonwealth the power vests in the state through the commissioners. Their concern undoubtedly was that the teachers should be well affected to the council. The modern claim for the registration of teachers is precisely that the state should undertake control, only that it should be based not upon political but upon pedagogical soundness.

One of the typical cases of state interference is in the matter of licenses to teach.

Case of Rob. Mossom.—Petition to the Protector referred to the council of state: 24 Jan. 1655.¹³ 'I was sequestered in 1650 for reading the Book of Common Prayer, but for no other delinquency or scandal, and applied to the teaching of scholars, which I performed diligently and peaceably; I never acted against government. Yet by your late declaration I am prohibited teaching, and deprived of a livelihood for my wife and six small children. I beg a license to teach.' Order thereon (24 Jan.) in council that the major-general and county commissioners inquire into the case and report, and meantime that Mossom have leave to attend his school, the late orders notwithstanding. Approved 6 Feb.

The 'late declaration' was that of 31 Oct. 1655, following the instructions to the county commissioners, in which royalist clergy were forbidden to teach, requiring that 'scandalous, ignorant, and inefficient ministers and schoolmasters shall be ejected, and how.' Commissioners were appointed, with power to act, in each of the counties of England. Any five of these commissioners, sitting as a court, might examine witnesses on oath as to the insufficiency of any minister or schoolmaster. The accused had the right of answer, but if unsatisfactory the minister or schoolmaster was to be ejected and his stipend or profits sequestered. The commissioners had the power of giving certificates to those who were to be considered qualified. This power was certainly exercised, and occurs in such forms as the following:—

¹³ *Calendar of State Papers.*

24 Jan. 1635. Ordered that the major-general of London inquire concerning George Freebonne's qualifications (as schoolmaster) and report, and that meantime he attend his school without interruption, the late orders of council notwithstanding.¹⁴

Or again—

Francis Neves, a sequestered minister, for leave to continue his vocation of keeping a private school at Lambeth, promising to live honestly. Gives a certificate from the commissioners of Surrey.

Next I quote a curious case of a fellow of a college desirous to be certified as a village preacher and schoolmaster :

Order to the major-general and the commissioners of county Berkshire : His highness and council having considered the petition and certificate of Henry Chamberlayne, some time fellow of Oriel College, Oxford, and of Shillingford, county Berkshire [where he is preacher and schoolmaster], request you to let him continue in these offices if you find him properly qualified, or otherwise to certify.¹⁵

Besides ejecting 'insufficient' schoolmasters, 'certifying' and 'granting licenses' to efficient schoolmasters through an organised body of commissioners throughout England, the council of state, in one instance at any rate, sanctioned and recognised the petition of Noah Bridges (18 June 1653) 'to print, bind, publish, and dispose of a treatise by him set forth concerning arithmetic, provided the book be of his own making.' But state interference went to further lengths even than those of granting licenses, sanctioning books, confirming or ejecting schoolmasters in the villages. The council commissioned at any rate one man to finish a school or text book. There is, unfortunately, no evidence that Fitzpayne Fisher finished the work, nor that it would have been of much value if he had. Still it is worth while to quote the passage as professedly an encouragement to a writer for educational purposes.

Order, on the petition of Fitzpayne Fisher, referred by council, stating his pains in finishing a treatise *which will be of great use in all schools for youth*, and intending a journey to Scotland, desires money for it and a pass, to request council to order him the pass and 100*l.*, to be paid by Mr. Frost, *for his encouragement to perfect the work.*¹⁶

I have thus shown that the state interfered with school buildings, helping in the building in the first instance and maintenance afterwards, and in the licensing and control of the registration of masters, and assumed the direction, in some cases, of the management of the public schools as well as the elementary schools. But perhaps

¹⁴ *Calendar of State Papers, 1655-6*, p. 136.

¹⁵ *Ibid.* p. 228.

¹⁶ *Ibid.* 1652.

the entry of most significance in the minutes of the council of state is at the same time the vaguest: 7 Sept. 1650, 'When the propositions for reforming schools are presented the council will give them all possible furtherance.' Unfortunately there is no further record of these 'propositions.'

There is, however, an interesting minute in the 'Journals of the House of Commons,' vii. p. 287, for Wednesday, 20 July 1653: 'Resolved, that a committee be appointed for advancement of learning, and receiving all propositions tending thereunto.' The committee was actually constituted as follows, viz.: Mr. Strickland, Mr. Sadler, Mr. Lawrence, Mr. Wingfield, Dr. Goddard, Colonel Barton, Mr. Spence, Sir Anth. Ashley Cooper, Colonel Sidenham, Alderman Titchborne, Colonel Mountagu, Mr. Lockart, Sir Robert King, Colonel Blunt, to whom were afterwards added Sir Wm. Roberts, Mr. John St. Nicholas, Col. Matthews, Capt. Cust. These were all to meet on Thursday, 21 July 1653, in the Duchy Chamber in the afternoon at two of the clock. The quorum was to be five, and it was referred to the committee of the army to prepare a bill containing such powers as are necessary to be given to that committee.

But state direction and control, according to the modern doctrine, only justify themselves through state grants of money towards maintenance. There remains for me to give instances of grants made during the Commonwealth. On 12 June 1656 a petition of the inhabitants of Huntingdon, Cromwell's own town, is received, and is referred by the council of state to the trustees for the maintenance of ministers, to consider an augmentation of 80*l.* to the minister, and 40*l.* to Mr. Taylor, the schoolmaster. From such an entry it will be seen that the sequestered property administered by the 'trustees for the maintenance of ministers' was available for grants to schoolmasters. The term 'ministers,' it is worth noting, includes schoolmasters. Scobell, whose collection of acts and ordinances of the Commonwealth bears date 1658, thus indexes the word:

Ministers { Preachers.
Schoolmasters.

It is probably through the inclusiveness of this term that the relations of the state to schoolmasters in the time of the Commonwealth have been overlooked.

Mr. W. A. Shaw, in his introduction to the 'Minutes of the Committee for the Relief of Plundered Ministers for Lancashire and Cheshire,' in the Record Society of those counties (1893), has given a remarkable and comprehensive view of the procedure of the committees dealing with the confiscated revenues. He has, so to say, struck the balance-sheet of the whole of the transactions. The

object he had in hand was the investigation of the relations of the state with the church. It is perfectly clear that the religious test (and the political test), to use our modern phraseology, must have been an essential factor in the dealings of the state with the schoolmasters. Mr. Shaw has been good enough to inform me that the manuscripts containing the accounts, now to be found dispersed at the British Museum, Cambridge, the Bodleian Library, the Record Office, Sion College, and Lambeth, have frequent references to grants to schoolmasters, though the overwhelming number of entries are to preaching ministers. He would be inclined to put the proportion not less than twenty to one. It must be borne in mind that many of the ministers combined the functions of preaching and teaching school. I have not perused the 'Augmentation Books' stating the separate grants, but I may point out that the odd cases which I have culled from the 'Calendar of State Papers' are there repeated, with variations, over and over again.

Mr. Shaw has supplied me with a typical example from his notebooks.¹⁷

The Case of Chester Free School.—26 July 1655. Order of the trustees for the maintenance of ministers for the payment of 80*l.* a year out of tenths arising within the county of Derby for the poor scholars of the free school of Chester.

From a further entry it is gathered that twenty-four poor scholars received between them the above sum of 80*l.*

18 Dec. 1650. Whereas by an ordinance of the parliament of 1 October 1646 an additional maintenance of 86*l.* a year is granted out of the revenues of the dean and chapter of Chester to the head schoolmaster of the free school within the city of Chester, and 9*l.* per annum is by the said ordinance granted to the usher of the said school, to whom these become due by 24 June 1650, . . .

Then follows the order for payment of the amounts due. The headmaster was Mr. Greenhalgh, and the usher Mr. John Pack. The order is signed by five 'trustees,' who are members of parliament, the funds administered being managed by a parliamentary committee of trustees. Mr. Greenhalgh's salary before augmentation was 22*l.*, and that of his usher, Mr. Pack, was 10*l.* They were thus raised to 58*l.* and 19*l.* per annum respectively. It may be added that on 12 July 1655 there was a particular order issued specifying different *sources of income* to provide for the 86*l.* of augmentation settled on the master of Chester Free School, *e.g.* rents and tithes of fishing, tithe of Dee Mills 5*l.* issuing out of (*i.e.* charge upon) vicarage of Eastham 1*l.* 13*s.* 4*d.*, and so on, making

¹⁷ Transcribed from Lambeth MSS.

up the full amount of 36*l.*, and replacing the old source of the tenths from Derbyshire,¹⁸ which had probably in their turn found another use. This change of source of income is interesting because it shows that the object of helping the maintenance of the school was a more permanent one than that of continuance of the original source of the grant.

The subject is capable of development, and is highly deserving of study. It is however, I trust, even in this casual form, interesting and suggestive. I have shown that it is inaccurate to speak of the grants of 1832 as the first state aid to education. But I hope I have given reason for thinking that the age of the Commonwealth had not only a partially open pocket for education, but included wise heads and warm hearts among the leaders. It was an age when the educational ideas of the three great men Hartlib, Dury, and Comenius just missed consideration through untoward circumstances and more urgent immediate interests. But never had the educational impulse been so deep and warm. The money grants were readily given, but they did not reach the original idea embodied in the resolution of 1641. The confiscated funds from the deans and chapters of England were devoted, in by far the lion's share of the plunder, to 'piety' rather than 'learning.' The state direction of education was, when on the verge of initiation, lost in the confusion, and left aside for a couple of centuries.

With such a record as I have all too inadequately sketched it will at least be recognised that some of the glory and repute formerly attaching to Edward VI and his father as the founders of schools, a glory and repute now trampled under the feet of Mr. Leach, might be transferred to Hartlib, Dury, and Comenius, and some share perchance not unduly to Cromwell and his coadjutors, as active friends of educational progress. Remembering the amount and quality of educational literature, the aspirations centred in educational projects and practice, it does not seem inappropriate to compare the educational movement of the age of Cromwell as parallel in direction with the English reformation of religion and the revival of learning. It was with them in aim. Its results, however, were not those of successful practical realisation. But they were the beginnings of the modern spirit in the democratisation of education.¹⁹

FOSTER WATSON.

¹⁸ These counties, Cheshire, Derbyshire, and another county, were taken together for purposes of administration by the trustees.

¹⁹ The writer desires to express his gratitude to Mr. C. H. Firth for suggestions which have materially improved the statement and strengthened the illustrations of this article.

Notes and Documents

THE LAWS OF BRETEUIL.

Introduction.

A CURIOUS mistake, taking deep root in the works of paleographers and historians, has served to obscure the meaning of certain facts which are of principal importance in the history of the mediatised English boroughs—of the boroughs which were not royal, but subject to great lords. That the word Britolium cannot be translated Bristol, and must be translated Breteuil, is a fact which needs no insistence.¹ Yet wherever the word Britolium in one or other of its spellings is found in conjunction with a description of the privileges of English, Irish, or Welsh boroughs, the temptation to believe that Bristol must be the place that was meant has led almost every writer into error.² Though the cause of the error is slight—the inclusion of a single *s*—the consequences have been serious. Mr. Round has shown in his papers on London and on the Cinque Ports that the origin of certain burghal liberties has been sought too exclusively on this side of the Channel. The study of the Laws of Breteuil in England, coupled with inquiry into the spread of certain closely cognate burghal customs, will show, I believe, that we must throw back the date when the imitative process began to the Conquest itself, and will, I think, serve to make it clear that a large number of privileges granted by the Norman lords in their borough charters were of French origin. Our characteristic belief that every sort of 'liberty' was born of ideas inherently English must receive another check, and must once more be modified to meet certain facts that have failed to obtain due recognition. There is a large class of burghal liberties not wrung from reluctant lords, but offered by the lords as bribes to secure their own ultimate enrichment.

¹ Seyer (*Memoirs of Bristol*, i. 280) gives forty-two ways of writing the name Bristol, but in none of them is the *s* omitted.

² The Rhuddlan case has generally escaped concealment. Delisle and Le Prévost, in their *Dictionnaire du Dép. de l'Eure*, detected also the Shrewsbury and Dungarvan cases.

Professor Maitland has ere now pointed out³ that a thread binding the Norman boroughs of England to French prototypes is worth feeling for, but we might long have ignored his warning, preferring to cherish old beliefs in an undisturbed calm, did not the 'Leges Britolii' thrust themselves upon our notice. The thread, once detected, stands out in glaring colours. With Dr. Gross's treasury of references it becomes an easy matter to track it up and down, and the result is that the great English port loses its place as chief progenitor of the liberties of the boroughs of England, Wales, and Ireland. It remains in secure possession only of Redcliff (1164), Lancaster (1188), Cardigan (1249), Chester (1303), and, in Ireland, of Dublin (1171), Cork (*t. Hen. II*), Waterford (1205), Rathcoole, near Dublin, and possibly Kilmeaden, near Waterford (*t. Hen. III*), Limerick (1292), Galway (1484)—that is, of eleven out of the thirty-one daughter-towns ascribed to her by Dr. Gross.⁴ The remainder must look to an obscure Norman stronghold as their lawful parent.

More important than this is the grand scheme of burghal colonisation initiated by the Conqueror's tenants-in-chief, the outlines of which can be laid bare when the charters of boroughs that were once non-royal are analysed in the light of their French prototypes. Not the *castellum* only but the *bourg*, not garrison colonies only but colonies of chapmen, garrison and market towns, were the Norman instruments to quell and to civilise the troubled or thinly occupied regions. When the Norman is seen at the work of town-making a new truth is added to Morgan's penetrating remark:⁵ 'The most thoroughly Normanised counties were those upon the Welsh border,' a truth too long obscured by latter-day talk of the 'English municipal constitution' conferred by the conquerors upon the Welsh towns.

What a Lorris-en-Gâtinois or a Beaumont-en-Argonne was for the smaller boroughs of France, a Freiburg-im-Breisgau for those of Germany, the distant and little-known Breteuil was for those of England. The highly artificial character of the twelfth and thirteenth century rage for borough-making, the *Städtegründungsfeber*, as Dr. Georg von Below has christened it, has not been

³ In *Domesday Book and Beyond*, p. 214, note, he says: 'It is difficult to unravel any distinctively French thread in the institutional history of our boroughs during the Norman age; but the little knot of traders clustered outside a lord's castle at Clare or Berkhamstead, at Tutbury, Wigmore, or Rhuddlan, may have for its type rather a French *bourg* than an English *burh*. Indeed at Rhuddlan (D.B. i. 269) the burgesses have received the law of Breteuil.' Further, in the *History of English Law*, i. 639, second edition, he says: 'Perhaps the free tenure of houses at fixed and light rents which was to be found in the old shire towns served as a model and generated the idea that where such tenure is there is a *liber burgus*; but just in this quarter a French strain may be sought and perhaps detected.' And he refers to the Rhuddlan entry in *Domesday*, Tardif's *Somma*, and Prou's *Les Coutumes de Lorris*.

⁴ *Gild Merchant*, pp. 244-57.

⁵ *England under the Norman Occupation*, p. 87.

adequately treated, so far as it concerns England. The subject has been well worked both in Germany and France,⁶ and the abundant continental illustration requires, and at the same time facilitates, an analysis of its leading characters. By collecting the charters which proposed to found new boroughs in these islands and offered building-plots of fixed size, a means may be afforded to direct inquiry into the form and outward features of the artificially created town, which may for all time remain a borough rather in name than in reality. There is inquiry to make into the planning of the houses, into the lie of the streets, into the possibility of distinguishing certain ancient features to this day. There is the question how far the new town was or was not an agricultural entity equipped on the lines of the German rural community. The mapping-out of towns in colonial settlements of a much later date will have side-lights to offer, for the work of colonisation may call for the same instruments in many places and at many times. It is not through the mediatised boroughs, for the most part of a secondary and inferior order, that we can hope to lay bare the secrets which still conceal the origin of urban life in the Germanic system, but by way of illustration and by way of warning they have their own contribution to make in that burning controversy, as also in the history of the decay of feudalism.

It is my purpose here first to sketch the early history of Breteuil so far as it is important to explain the part that town has played. Next I will give all those English references to the laws of Breteuil which I have been able to collect, with reprints of charters where the clauses are important to determine the nature of the laws. I hope to establish with some degree of security two dozen cases in which Breteuil was made the example which an English, Welsh, or Irish town should follow. The famous Preston Customal will be used as a case in point, and will be printed for the first time in the Latin version preserved at Preston. The clauses will be illustrated from the charters of both French and German boroughs, and from parallels cited from early Germanic and early French law. I propose further to subjoin an inquiry in each case into the reasons (mainly genealogical) why the laws make their appearance at that particular place. The derivative cases, the cases of boroughs which modelled

⁶ See G. von Below's interesting popular account of the growth of German towns in *Das ältere deutsche Städtewesen und Bürgerthum*, p. 5. Karl Hegel (*Die Entstehung des deutschen Städtewesens*, p. 37) gives a list of references to the German works on burghal colonisation in various parts of Germany. It is reckoned that as many as 350 towns were founded in the twelfth and thirteenth centuries in North-East Germany alone. Bonvalot's *Le Tiers Etat d'après la Charte de Beaumont et ses Filiales*, Prou's *Coutumes de Lorris*, Stouff's 'Les Comtes de Bourgogne et leurs Villes Domaniales' (*Nouvelle Revue Historique*, xxii.), Piranne's 'L'Origine des Constitutions Urbaines au Moyen Age' (*Revue Historique*, lvii. 64 sqq.) treat incidentally of the work of town-making in France.

their privileges on those of towns where the laws of Breteuil were in use, will then be dealt with. From these materials, with the aid of the customs of Verneuil, Breteuil's near neighbour, which had a body of rules that must have been remarkably like those of Breteuil, I shall endeavour to sketch out the articles of the lost laws. Lastly I propose to track out those clauses in the charters of mediatised boroughs not associated with Breteuil, in which cognate influences have been at work—notably those in which the maximum *misericordia* of twelvecence and the burgage rent of twelvecence, for a building area often of given size, are privileges conferred upon the burgesses. These serve as a useful thread in tracking out the principles that guided the formation of burghal colonies founded on French lines. The Scotch evidence here becomes serviceable.

Before I begin my task I should like here to acknowledge my deep obligations to Professor Maitland for his most friendly guidance on a large number of points, especially for many of the references that appear in my notes to the Preston Customal, to Dr. Gross, who has generously allowed me to see his references to the shilling amercement and shilling burgage, and to Mr. George Neilson, who has helped me with references to the Scottish burghal literature. If it had not been for a word casually dropped by Professor Maitland in connexion with the Preston Customal, the word 'Britolium' would probably never have had a special significance for me.

Part I.

The best account of Breteuil is given in Delisle and Le Prevost's 'Dictionnaire du Département de l'Eure.' The primitive form of the name is given as Britogilum, 'the settlement of the Breton.' The place begins to appear in history about 1060, when William, duke of Normandy, built a castle and put it in the hands of his cousin and seneschal *William Fitzosbern*.⁷ It is desirable to notice here his family connexions, as family connexions with Fitzosbern and with William the Conqueror will be found of considerable importance in tracing out the ramifications of the 'Leges Britolii.' Fitzosbern's descent was from Herfast, brother of Gunnor, the duchess. Herfast's son Osbern de Crépon, seneschal, was assassinated by William de Montgomery, a name destined to be connected with the laws of Breteuil in England. Osbern's son by Emma, daughter of Raoul, count of Ivry, was William Fitzosbern. He distinguished himself in the duke's expedition to England, and in reward was given the earldom of Hereford and the Isle of Wight. He married Adeliza, daughter of Roger de Toesny. Of his work in England more will be said elsewhere, for it is to him and

⁷ Ord. Vit. iii. 11; Will. Gemet. vii. c. 25.

to his followers that the expansion of the 'Leges' can generally be traced back. His Norman estate included also *Cormeilles*, where he founded an abbey. We have a mention also of the 'customs of *Cormeilles*,' which may have been like those of Breteuil. Ordericus Vitalis records (vi. 8) that Richard de Hugleville founded a *bourg* on the Sie and called it Aufay, and introduced among his colonists 'the customs of *Cormeilles*.'

On Fitzosbern's death in 1071 William I divided his inheritance, giving to Fitzosbern's elder son, William, Breteuil and the Norman estates, to the younger, Roger, also called 'of Breteuil,' the earldom of Hereford and the English estates. William of Breteuil died in 1103, leaving no legitimate children, and the lordship was then disputed between his illegitimate son, Eustace, supported by the men of Breteuil, and Ralph le Breton, the son of Fitzosbern's daughter. Ralph was ultimately successful, but doubting the fidelity of the men of Breteuil he decided to give these lands as his daughter Amicia's dowry. They thus passed, probably in 1122, to Robert le Bossu, earl of Leicester. In 1136, on the death of Eustace of Breteuil, his son William again raised his claim, and in 1138 the town was burnt. We get a significant description of the occupations of the inhabitants at this time. Firebrands were thrown into the town 'at a time when the husbandmen happened to be threshing the corn in the open streets, and great heaps of straw and chaff lay scattered before the houses.' In this manner, says Ordericus, a wealthy town was reduced to ashes in the twinkling of an eye, and the burghers lost much wealth which they had deposited for safety in the church (xiii. 38). Breteuil remained a possession of the earls of Leicester until in 1204 Amicia, wife of Simon de Montfort, one of the Leicester heiresses, parted with it, with her sister's consent, to King Philip Augustus.

Ordericus's account of Breteuil sufficiently shows that it was a castle and town of great importance; on more than one occasion it was able to resist huge besieging forces. It is clear that the burghesses were men of an independent spirit, and that some at least were engaged in agricultural pursuits. We may notice further that in the charters of the earls of Leicester the *prepositura* or *prefectura* of Breteuil is alluded to, as also its mills, its fair, its *denariorum census*, of which a tenth was given to the abbey of Lire, and the rights of its burghesses to dead wood for burning and for the harbouring of the beasts in the great forest of Breteuil.

In 1199 King John granted to the burghesses of Breteuil *propter magnam iacturam quam incurrerunt propter servitium nostrum* the liberties of 'our burghesses of Verneuil,' meaning, there can be no doubt, Verneuil in the diocese of Evreux, not far from Breteuil. This grant is of greater significance than from its late date may at first appear, for we know exactly what the

liberties of the men of Verneuil were in the time of Henry I and of Henry II. They are recorded in two charters to Pontorson,⁸ on the borders of Brittany and Normandy, which was to be endowed with the same liberties, and they happen to be in several respects remarkably like the liberties indicated in the English references to the laws of Breteuil. The laws of the burgesses of Verneuil and of the burgesses of Breteuil had, we may believe, much in common long before John made Verneuil an example to Breteuil. In granting to Breteuil the liberties of Verneuil he was, it would seem, making no important change. This theme can best be developed when the English evidence has been presented. We must notice here, however, that the early Norman history of Verneuil is unfortunately too slightly known for it to be possible to trace an early connexion between the families ruling the two *bourgs* Breteuil and Verneuil. All that is known of Verneuil is that it once belonged to a certain Aubert le Riboust and to his son Aubert le Riche, and that Henry I built a castle there and formed a town. Henry I, according to the charter of Henry II to Pontorson, conferred upon Verneuil a charter of liberties. We may note incidentally that Ordericus (xiii. c. 44)⁹ speaks of the garrison of Verneuil, within whose circuit was comprised a population of 13,000 men.

MARY BATESON.

(To be continued.)

THE HIDATION OF NORTHAMPTONSHIRE.

NORTHAMPTONSHIRE, for the Domesday student, is a county of peculiar interest. Its survey possesses distinctive features, and we enjoy, for the solution of the problems they present, the assistance of a quite unusual amount of auxiliary information. My 'Feudal England' contains papers on three of the sources of such information: (1) 'the Northamptonshire geld roll;' (2) the record of 'the knights of Peterborough;' (3) 'the Northamptonshire survey' of the twelfth century. Professor Maitland has subsequently dealt, in his 'Domesday Book and Beyond,' with the figures in the 'County Hidage,' an earlier document which did not come within my own purview. Lastly, there is available in the county histories of Bridges and of Baker (so far as his extends) that

⁸ *Ordonnances des Rois de la Troisième Race*, xi. 638. Both versions are in some places very obscure. The late M. Giry at one time contemplated re-editing the customs, but did not proceed with the scheme.

⁹ In the lately published *Calendar of Documents preserved in France*, edited by Mr. J. H. Round, there is a charter (no. 301, p. 101) from Henry II (c. 1174) granting to those who dwell at Condé-sur-Iton (Eure), under the bishop of Evreux, or who may receive dwellings there, all the customary liberties and quittances of those of Breteuil.

indispensable local knowledge without which we cannot well reconstitute the hundreds and the vills.

In 'Feudal England' I alluded to the light thrown by Domesday on the history of Northamptonshire as a border county, with 'hidated' counties to its south-east and the 'carucated' district to its north-west. 'A unit of four,' I there observed (p. 71), renders its hidation peculiar, contrasting as it does no less with the unit of 'five hides' than with that of 'six carucates.' Its assessment, however, I pointed out, is recorded in 'hides,' not in 'carucates.' Further than this at that time I was not able to go. But since then Professor Maitland has approached the question independently.¹ Accepting my conclusions on the character and the date of the document I have styled 'the Northamptonshire geld roll,' he points out that it gives the county 2,668½ hides, while Domesday Book only allots it 1,356. From this he draws the conclusion that under William I (*i.e.* before Domesday) the 'county was relieved of about half of its hides.'² In a footnote he adds, 'After a re-count I think that my 1,356 is a little too large, and should not be surprised if the 2,668½ had been exactly halved' (p. 457). The importance, in Professor Maitland's eyes, of this gigantic reduction is that the far larger total recorded in the 'geld roll' earlier in the reign brings us infinitely nearer to the '3,200 hides' assigned to Northamptonshire in the 'County Hidage,' a document of even earlier date. But, it will be seen, this argument does not help us to explain that 'four-hide' unit which has troubled me from the first as the distinctive characteristic of Northamptonshire hidation. Having lately had occasion to approach *de novo* the Domesday survey of the shire, I have been led to adopt a theory which I will now endeavour to explain.

One cannot even cursorily examine the assessments in this survey without observing the number of cases in which *the proportion of hides to ploughlands is constant*, this proportion being four to ten, two to five, and so on. But before arguing from this phenomenon let us make sure that it exists. I endeavoured, in my Domesday calculations, published in 'Feudal England,' to keep in view two principles.

All conclusions as to the interpretation of its *formulae* should be based on *data* sufficiently numerous to exclude the influence of error; secondly, if we find that a rule of interpretation can be established in an overwhelming majority of the cases examined, we are justified, conversely, in claiming that the apparent exceptions may be due to errors in the text (p. 21).

In the same spirit we must first see whether it is possible to establish a rule of assessment in the shire, and then inquire

¹ *Domesday Book and Beyond*, pp. 456-8.

² This estimate is repeated on p. 469.

whether the exceptions are more numerous than can fairly be accounted for by errors in the text or by special circumstances.

There are two methods by which we may approach the investigation described above. We may either test a continuous series of entries in Domesday Book, representing, as they would, various portions of the shire, or we may select a single hundred and test the entries relating to it. The most satisfactory course to pursue is to apply both these tests.

Let us, then, passing over the royal and church manors, as being always liable to exceptional treatment, take the first and greatest lay fief in the shire, that of the count of Mortain (fo. 223 *et seq.*) We will first note the obvious examples and then those which are less so.

Fo.	—	Hides	Ploughlands
223	Sywell	4	10
	Bugbrooke	4	10
	Helmedon	4	10
	' Celverdescote '	4	10
223b	Middleton	2	5
	Evenley	1	2½
224	Boddington	2	5

This list may seem a small one; but when the fractions, which in Domesday Book are described with such strange complexity, are properly expressed, the instances become more numerous.

Fo.	—	Hides	Ploughlands
223	Cosgrave	$\frac{2}{3}$	1
	Cold Higham	2½	6
223b	Charwelton	2½	6
	Foxley	$\frac{2}{3}$	1
	Syresham	$\frac{1}{2}$	1½
	King's Sutton	$\frac{1}{2}$	$\frac{1}{2}$
	Croughton	$\frac{2}{3}$	1
224	Grafton Regis	$\frac{2}{5}$	2

But to appreciate aright the prevalence of this ratio one would have to add all those cases in which the assessment approximates to it more or less closely. The reason why such approximation is found, instead of the actual ratio itself, is clear enough. When the 'geld' was paid, as it was, in even shillings on the hide, it was not possible to reckon its incidence on that $\frac{2}{3}$ hide which was, in this district, the normal assessment of a 'ploughland.' There was, therefore, every inducement to adjust this impracticable assessment by raising the $\frac{2}{3}$ to $\frac{1}{2}$ or lowering it to $\frac{1}{3}$. It was even possible, by combining these methods, to preserve the 2 to 5 ratio in the

'x bobus.' This is a most important instance, harmonising as it does exactly with my conclusion in *Feudal England* that the Domesday *caruca* had eight oxen.

assessment of the whole vill. Of this we have beautiful examples in the vills of Silverstone and Blakesley.

SILVERSTONE		BLAKESLEY	
Hides	Ploughlands	Hides	Ploughlands
1	3	1½	3½
½	1	½	1½
¼	1	2	5
2	5	4	10

Here a superficial inquiry would suggest that in only one out of six entries does the ratio of 2 to 5 hold good. And yet, on investigation, we find that the other five have merely been adjusted to avoid the impracticable fraction of fifths of a hide. In the remaining instance, of course, there was no need for adjustment.

The really surprising matter, therefore, is that we find so many entries in which the awkward fractions which result from the 2 to 5 ratio remain unadjusted. But the point on which I would lay stress is that no original assessment, however artificial, could be based on a ratio which, in practice, was quite unworkable. The hide was divisible, for assessment purposes, into halves, quarters, or eighths, thirds, sixths, or twelfths; but it was not practicable to divide it into fifths. For so peculiar a division we have to find an explanation.

Let us, however, first examine (in accordance with my initial plan) the great hundred of Sutton, taking its vills and their assessments as given in Bridges' 'Northamptonshire.' By adopting his figures I avoid the risk of adapting them, however unconsciously, to my own theory. An asterisk denotes that the ratio is exactly 2 to 5; the figures within square brackets represent the exact ratio where the actual ratio is approximate.

HUNDRED OF SUTTON.

Vill	Hides	Ploughlands	Vill	Hides	Ploughlands
Aynho . . .	3½	8 *	Hinton . . .	2	5*
Brackley, &c. . .	5	12½*	King's Sutton . . .	3	6
Chalcombe . . .	4	10 *	King's Sutton . . .	½	2*
Croughton . . .	1½ [1½]	3	King's Sutton . . .	¼	1
			King's Sutton . . .	1½	4*
Culworth . . .	1½ [1½]	4	King's Sutton . . .	1	3½
			King's Sutton . . .	1	1
Evenley . . .	1	2½*	King's Sutton . . .	1/5	1
			King's Sutton . . .	1/5	1
Farmingho . . .	3 [4]	10 *	King's Sutton . . .	1/5	1
			King's Sutton . . .	1/5	1
Helmedon . . .	4	10 *	Walton . . .	2	10*
			Walton . . .	4	10*
			Merston St. Lawrence . . .	4	10*
			Middleton Chenduit . . .	2	5*
			Middleton Chenduit . . .	2	5*
			Middleton Chenduit . . .	1½	4*

HUNDRED OF SUTTON (*continued*).

Vill	Hides	Ploughlands	Vill	Hides	Ploughlands
Newbottle . . .	6	15 *	Stotesberie . . .	2	5 *
Purston . . .	$\left\{ \begin{array}{l} \frac{1}{2} \\ \frac{7}{10} \end{array} \right\} 10$	$\left\{ \begin{array}{l} 1 \\ 1\frac{1}{2} \end{array} \right\} 2\frac{1}{2}$	Thenford . . .	1	2 $\frac{1}{2}$ *
Radston . . .	2	5 *	Thorp Maud . . .	2	5 *
Syresham . . .	$\left\{ \begin{array}{l} \frac{1}{2} \\ \frac{1}{3} \end{array} \right\}$	$\left\{ \begin{array}{l} 1\frac{1}{2} \\ 1\frac{1}{4} \end{array} \right\} 2\frac{1}{2}$	Wapenham . . .	2	5 *
Stene . . .	2	5 *	Astwell . . .	2	5 *
			Grimesbury . . .	2 $\frac{1}{2}$	6 *
			Whitfield . . .	2	5 *

The result may be summarised as follows :—

Ratio 2 to 5	28 entries
Approximately 2 to 5	4 „
Rather more or less	8 „

Again, if we take the aggregate ratio, it is (if I reckon right) 73 hides to 183 $\frac{1}{2}$ ploughlands. If it were 73 to 182 $\frac{1}{2}$, this would be exactly equivalent to 2 to 5.

Let us now take some typical assessments from the county at large.

Vill	Hides	Ploughlands	Vill	Hides	Ploughlands
Byfield . . .	$\left\{ \begin{array}{l} 2 \\ 8 \end{array} \right\} 10$	$\left\{ \begin{array}{l} 5 \\ 20 \end{array} \right\} 25$	Ascote . . .	2	5
Badby . . .	4	10	Sulgrave . . .	4	10
Kilsby . . .	2	5	Edgecote . . .	2	5
Lichborow . . .	4	10	Eydon . . .	2	5
Ashby Legers . . .	4	10	Woodford . . .	2	5
Barby . . .	2	5	Slapton . . .	4	10
Gayton . . .	2	5	Weedon Pinkney	3	7 $\frac{1}{2}$
Pateshull . . .	8	20	Weedon Bec . . .	$\left\{ \begin{array}{l} \frac{1}{2} \\ 3\frac{1}{2} \end{array} \right\} 4$	$\left\{ \begin{array}{l} 1\frac{1}{2} \\ 8\frac{1}{2} \end{array} \right\} 10$

The object of selecting these instances is to show that the characteristic ratio of 2 to 5 is by no means confined to the hundred of Sutton. How far it extended over the county as a whole would be a work of great difficulty to determine, owing to the careless rubrication of the Domesday survey of the shire and the difficulty of determining the limits of its Domesday hundreds. It is probable that in North Northamptonshire the ratio was not the same; but it is sufficient for my present purpose that in South Northamptonshire it was the rule.⁴

But we have discovered more than this. We have found that, as in Cambridgeshire the normal vill is one of five or ten 'hides,' so in Northamptonshire the normal vill is one of five or of ten

⁴ By South Northamptonshire I mean the district south of the Nen. Perhaps it would be more exact to say 'South-West' Northamptonshire, for the group of hundreds in which this ratio seems to have prevailed consists (to give them their modern names) of Fawsley, Warden, Sutton, Norton, Towcester, and Cleyley. That of Wimeraley, on the east, though south of the Nen, was not, I think, included. Among the hundreds to the north of the Nen there is a frequent occurrence of a 1 to 2 ratio.

'ploughlands.' The figures are as obviously artificial in the one case as in the other.⁵ Can we, dare we, draw the inference that the 'ploughlands' of Northamptonshire, like the hides of Cambridgeshire, were (or rather had been) simply units of assessment? This solution would be drastic enough; and yet we might go further. We might ask whether the explanation of the 2 to 5 ratio is not that the crown cut down the assessment of the district in which it prevails not by fifty per cent., as Professor Maitland thought, but by sixty. If distributed *pro rata*, as in the Cambridgeshire hundreds,⁶ this reduction would convert the normal tens and fives into fours and twos, and thus at once account for the *crux* of Northamptonshire hidation.

It will be observed that the above suggestion involves two propositions—(1) that the 'ploughlands' represented the 'hides' of such counties as Cambridgeshire; (2) that the local assessment was reduced sixty per cent. We will take the second of these first.

Professor Maitland, we have seen above, held that there was a reduction of some fifty per cent. between the date of what I have termed 'the Northamptonshire geld roll' and that of the Domesday survey; and he points out that but for the existence of the former unique record we should learn nothing from Domesday of 'the great reduction in Northamptonshire' (p. 463). He arrived at his figure of fifty per cent. by adding up the aggregate hidage of the shire and contrasting it with that in the geld roll. But there are two difficulties in the way of accepting this calculation. In the first place the Domesday survey of the shire included a number of vills, especially in Oxfordshire, which do not belong to it. The presence of these intruders, unless carefully allowed for, disturbs the reckoning in two ways; for it increases, to a very misleading extent, the aggregate hidage of the shire, while in detail these vills present ratios of assessment distinct from that prevailing in the district to which they are erroneously assigned. The other difficulty is that the reduction may not have been uniform for the whole shire. I have shown, for instance, in 'Feudal England' (pp. 50-3) that in Cambridgeshire the reduction was limited to certain hundreds, and that even within that district it was twenty per cent. in one case and forty in another.

It is only when we come to the Pipe Rolls that we stand on sure ground as to the hidage of the shire. Now the roll of 1130 implies an aggregate hidage of 1,192½. Professor Maitland's county hidage assigns to the shire no less than 3,200 hides, and we owe to him the beautiful demonstration that the hundreds of the 'geld roll,' with

⁵ Professor Maitland observes in a footnote (p. 472) that there are Northamptonshire entries 'suggesting the artificiality' of the 'ploughlands' reckoning.

⁶ *Feudal England*, pp. 50-2.

their fractions, amount to thirty-two.⁷ Again, he reckons the hidage of the 'geld roll' at 2,668½. A reduction of fifty per cent. on these aggregates respectively would give us 1,600 and 1,331¾, both of which figures are much in excess of the actual hidage in 1130. If we make the reduction sixty instead of fifty per cent. we obtain respectively 1,280 and 1,065½ as the reduced total. I think we must leave out of sight the old 3,200 as a standard and adopt, with Professor Maitland, the 'geld roll' aggregate alone. We shall then find that the recorded hidage of the shire in 1130 was as nearly as possible halfway between 1,331¾ and 1,065½. In other words, if half the shire had its hidage reduced by fifty per cent., and the other half by sixty, we should virtually reach the hidage recorded on the roll of 1130.

It may, I think, be possible eventually to explain the hidation of the whole county by tracing the reduction of assessment on groups of hundreds. Some of the geld-roll hundreds, for instance, present the apparently intractable assessment of 62 hides; but, excluding fractions, 62 is the half of 125 and the quarter of 250: and as these hundreds were four in number, and all lay near each other, it is very possible that an original assessment of 400 hides had been reduced at an earlier time by the lump sum of 150 hides, which, when divided among the four hundreds, would give 62½ hides as the reduced assessment of each.

I now turn to the other point, the suggestion that the ploughlands of Northamptonshire, in Domesday, were really the 'hides' of such a county as Cambridgeshire—that is, the old units of assessment. We should notice in the first place that in this county Domesday does not record, as in some others, the assessment under the Confessor, but only that of its own date. In the next place (as already hinted), if we place the Cambridgeshire assessments in hides by the side of the ploughlands of South Northamptonshire, we see at once the perfect parallel which the fives and tens of the former⁸ present to those of the latter.⁹ Thirdly, we are here on the border of that 'carucated' district in which the *carucata*, not the hide, was the actual unit of assessment. Lastly, we find in the 'geld roll' itself hints to this effect. To Abington it assigns ten 'hides,' while Domesday assigns only four. If its ploughlands in Domesday were ten, the evidence would be quite perfect. Unluckily they are eight. But the roll shows at least that its 'hides' represent the ploughlands of Domesday rather than the latter's 'hides.' It also assigns to Northampton itself twenty-five 'hides,'¹⁰ which

⁷ *Domesday Book and Beyond*, p. 458.

⁸ See *Feudal England*, pp. 44-52.

⁹ In Cambridgeshire the *ploughlands* are not arbitrary or conventional in number, but have a varying ratio to the 'hides.'

¹⁰ *Feudal England*, p. 156.

brings it into line with the 'five' unit of the local ploughlands in Domesday.

On the other hand, it is only right to add, Domesday speaks of its ploughlands in Northamptonshire as though each of them really was the area of land for one plough. There are, indeed, several cases in which the ploughs exceed the ploughlands in number, but Domesday, by its language, appears to treat this phenomenon as abnormal.

That there seems, in any case, to have been a huge reduction of assessment Professor Maitland is confident. I suggested, in my paper on the 'geld roll,' that the cause of the startling amount of its 'waste' area, from which no 'geld' could be collected, was the recorded devastation by the Northumbrians and their friends around Northampton in 1065.¹¹ They 'did much harm about Hantune,' says the Chronicle, 'slew men and burnt houses and corn . . . so that that shire and the other shires near to it were for many winters the worse.' I am inclined to think that Domesday, when closely examined, reveals other traces of the impoverishment of the shire at the death of king Edward. On the great fief of the count of Mortain values, if I have reckoned them aright, had risen from 71*l.* 11*s.* (1066) to 129*l.* 16*s.* (1086); on that of William Peverel from 47*l.* 12*s.* 8*d.* to 74*l.* 16*s.* 8*d.*; on that of Hugh de Grentmesnil from 18*l.* 13*s.* to 80*l.* 10*s.* I can only attribute these figures to a general recovery in values as the devastated manors were stocked afresh. I hope, however, to work out, for the whole shire, the changes of value manor by manor, as I find, so far as I have gone, that the traces of 'waste' and recovery are local rather than general.

At this point, indeed, one is once more reminded how impossible it is for one who works, as do Professor Maitland and I, on Domesday Book as a whole to accomplish the endless local research required for each county. It is, perhaps, a touch of gentle irony when, at the close of his striking book, he observes that 'a century hence the student's materials will not be in the shape in which he finds them now.'¹² Signs, happily, are not wanting that local workers, here and there, are beginning to exert themselves in the matter, and that we may hope, for some districts, to see the local assessments and valuations tabulated and reduced to order. Until this is done all Domesday research must be largely tentative and always slow.

It may, however, serve to stimulate such research if one shows what has been already learnt from the hidation of Northamptonshire when examined in conjunction with other evidence. We have (1) the witness of the Chronicle that there was widespread

¹¹ *Feudal England*, p. 149.

¹² *Domesday Book and Beyond*, p. 520.

devastation, in 1065, throughout a district of which Northampton was the centre; (2) that of the Northamptonshire 'geld roll' that of the 2,663½ hides then assessed for geld a very large proportion could not pay it, because 'waste'; (3) the evidence of Domesday (in conjunction with the Pipe Roll of 1130) that an enormous reduction, though unrecorded, was made under William I; (4) that of the Domesday *valets*, proving that manorial values had been largely lower in 1066 than in 1086; (5) that of the Domesday hidage, implying that, at least in South Northamptonshire, the assessment of vills at two, or multiples of two, hides resulted from a reduction of by sixty per cent. on an assessment based on multiples of five; (6) that of the Domesday ploughlands, implying that, at least in South Northamptonshire, they represented an assessment on the vills in fives and multiples of five precisely parallel to the hide assessment of the normal hidated district.

J. H. ROUND.

AN UNPUBLISHED 'REVOCATIO' OF HENRY II.

PROFESSOR MAITLAND has sent me a reference, which he was unable to verify before leaving England for the winter, to J. A. Giles's edition of the 'Vita S. Thomae Cantuariensis,' ii. 267-8 (1845). In this the 'Revocatio,' which Mr. Herbert believed to be unpublished,¹ is printed at length, and both the emendations suggested by Professor Maitland² are anticipated. But instead of bearing date '1272' it has '1279,' a mistake possibly due to a confusion with the year of Thomas Becket's canonisation. Giles took his text from the Paris MS. Lat. 5372, which is dated 1412:³ it is therefore a little earlier than the manuscript which Mr. Herbert used. Professor Maitland's proof that the document is unauthentic needs no corroboration from me; but I may add that it is further condemned by the words *in ecclesia conventuali Sancte Trinitatis Cantuarie*. Christ Church, Canterbury, was never, so far as I am aware, otherwise described during the twelfth century. It was not until the rebuilding of Trinity Chapel, eastward of the high altar, and the translation thither of the body of St. Thomas in 1220, that the fame of the chapel came to transcend that of the cathedral church itself. In later times we hear often of the church of the Holy Trinity, and even of the church of St. Thomas; but these wholly incorrect designations are not, I think, found until the shrine was constructed.

REGINALD L. POOLE.

¹ *Ante*, xiii. 507.

² *Ante*, xiv. 735.

³ *Catal. Codd. MSS. Bibl. Reg.* iv. 111.

LETTERS OF CARDINAL OTTOBONI.

THE following series of letters is taken from the manuscript Cod. Miscell. Laud. 645, ff. 129-139, in the Bodleian library, written early in the fifteenth century, to which my attention was directed by a report furnished by Dr. Karl Hampe to the committee of the 'Monumenta Germaniae,' and printed in the 'Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde,' xxii. 337-372 (1897). From the omission of the titles and addresses, as well as of the dates of time and place, we infer that the scribe was compiling a collection of Formulae. Internal evidence points to Ottoboni, cardinal deacon of St. Adrian, afterwards pope Hadrian V, as the author of the letters. He came as legate to England in September 1265 to help Henry III against the barons, and returned after a successful mission in July 1268. As none of the letters were written after his return, we may presume that he left his register behind him in England.

ROSE GRAHAM.

I. *Probably to Boniface of Savoy, archbishop of Canterbury [at the beginning of August 1265].*¹

Inter multas et varias mundi pressuras, quas patitur sponsa Christi et fidelium mater ecclesia, illas gemit amarius, et tacta dolore cordis intrinsecus singultuosa illa cremacione deplorat acerbius, per quas enutritos filios, in sponsi deliciis exaltatos, decoros fide, in spe salutis et pace doctrine celestis viam mandatorum magistri humilis et domini nauis rectas semitas ambulantes, conspicit appropinquare scandalum, et patere scissuris, timens pre amoris dulcedine periculorum incia subuersionem vsque in finem adducere nec medicine parere morbum, cum altrinsecus pugnans ex temporis diurnitate didicerit ² potius resistere quam subesse. Talibus quidem super regno et gente Anglorum afflicta ³ doloribus ipsa mater ecclesia et quasi super semina patrisfamilias metuens ab homine inimico iacta zizania, de adhibendis remediis cogitans, nos vtinam diuina inspectrice clemencia, licet insufficientes, ad dirigendum tanti oneris negocium segregauit, qui, dum ad huius sarcinam nostris humeris supportandam sollicita circumspectio nos imbecilles nimium reputaret, contradictionem cordis et oris aptauimus, vt non accederet pondus importabile turpius deponendum, dum vero huic beatissimi patris nostri domini pape monita ducerent, et mandata perstringerent, eciam in virtute obediencie precepta violentius cohartarent, ac ⁴ fratrum suorum preces et consilia pariter conuenirent. Iam ingruentibus in nos necessitatis vinculis ne de incompassionis duricia erga matrem nostram aut erga patrem de inobediencia notaremur, ad Dei misericordiam defleximus intuitum cordis

¹ Ottoboni was given full legatine powers in May 1265. As Clement IV ordered him on July 19 not to delay any longer, he probably started at the end of that month or early in August: see Hampe in the *Neues Archiv*, xxii. 350.

² MS. 'didiscerit.' The manuscript is extremely incorrect. I wish to thank Mr. Poole very much for the great trouble he has taken in helping me with the text, and also Mr. Madan for his help in deciphering the manuscript. But many places remain hopelessly corrupt.

³ MS. 'afflicta.'

⁴ MS. 'at.'

nostri, cui subicientes nostram in hac re acerrima voluntatem, et ad boni operis fructum omissis et neglectis ceteris simpliciter intendentes, inter cetera que nobis valeret suadere consensum proposuimus ante oculos nostros paternitatis sincerissimam caritatem, in cuius brachiis pro reuerencia sancte matris, de cuius gremio mittimur, et pro specialis et teneri amoris gracia qua vos amplectimini personam nostram, et assumptum negocium reponimus confidenter, impotentie nostre vestra presidia, insufficientie consilia sana, et imminente cuicumque defectui plenitudinem vestre providencie pollicentes. Scimus enim et in hoc singulariter post Deum confidimus, et in spe constituimur, et gaudemus quod in eos, qui de regno prefato disponunt, et precipue in nobilem virum ipsius negotii specialiter rem gerentem, sic habetis⁵ vires reuerencie, amoris, et gratie, vt quicquid per talia fieri posse creditur, per vos in illo possit plenius optineri: videat ergo, et colligat in vnum animus vester, quitquit in vobis habemus et quitquit in nobis vos creditis possidere, illamque aspiciat nostram fiduciam singularem in qua vos cunctis mundi prelatis electiue preferimus, in qua suscepti laboris pondera supportamus, vt hiis conflatis omnibus onus nostrum vestris incumbere humeris cogitantes, secundum zelum domus Domini comedentem vestri animi pietatem et iuxta sapiencie vestre lucem et industriam consiliis externis non egentem, paretis viam bonam et semitam rectam, per quam in vestris quasi portati manibus apprehendere possumus optatum et mittenti nos matri secundos salutis et gaudii cum exultacione manipulos reportemus.

II. *To King Henry III [August 1265, from Savoy].*

Post partum laboriosum quo mater ecclesia sponso Christo peperit regni vestri gentem et spiritu sancto distribuente fide veritatis instruxit, et intellectu sapiencie et agnitionis impleuit, multisque gratiarum muneribus adornauit, nichil tam durum aut pestiferum tantoque discrimini preparatum vidit in illa, quam quod diebus hiis monstrauit noua turbacio et insolita mirandaque mutacio deprauauit. Sane in hiis totius ecclesie corde concusso sanctissimus dominus pater noster summus pontifex, qui paulo ante sui assumptionem morbum hunc manu sua palpauerat, nec inuenerat saluti vel medicine paratum, superna quasi mox vocacione positus in sede ecclesiastice potestatis, tanto acerbius dolorem sensit pertulitque molestius, quanto preeminencius hec et alia mundi onera de ipsa Dei manu susceperat suis humeris supportanda. Et quia gentis Anglorum turbacio et tantorum ac talium fidelium et filiorum perdicio quam timebat cor eius pungebat intrinsecus, et inter cetera molestabat amari, respexit benigno cordis aspectu et super vos et super ipsius regni desolacionem, et⁶ pie visitacionis consilia cogitauit, quibus regnum et ecclesia Anglicana, magnum et prelucidum Christianitatis membrum in testimoniiis et fide eterni Dei et Saluatoris nostri Ihesu Christi fundatum, de tribulacione ad consolacionem, de turbine ad serenum, et ad tranquillum de tempestatis vertigine reuocaret. Sicque de fratrum suorum consilio nos licet renitentes et inuitos, tanquam qui oneri tanto nos insufficientes pensatis nostris viribus reputamus, sic ad conceptionem laboris monicionibus, precibus, et mandatis astrinxit, vt sine inobediencie nota pondus hoc licet nobis importabile nequiuimus declinare. Quamuis in hoc nos plurimum solet⁷ confortare plena dileccio quam ad personam vestram

⁵ MS. ' habens.'

⁶ Omitted in MS.

⁷ Omitted in MS.

et ad regnum vestrum habemus in spiritu caritatis, prout serenitati vestre dudum super hiis nostras meminimus litteras destinasse. Suscepto vero ad hoc legationis onere iter arripientes, cum per planas et directas vias incedere impediendis hostilitatibus non possemus, per aspera et deuia venire coacti, consanguineorum et amicorum ope in terram Sabaudie Domini gracia comitante peruenimus continuatis dietis, prout temporis qualitas patitur et consilia super negocio incumbente permittunt veniendi ad terram vestram gressus assidue festinamus, premitentes ad vos nuncium nostrum et litteras presentes, vt de proposito et actu nostro nil incertum vestro animo relinquatur. Cum igitur post diuinum auxilium excellencie vestre presidiis et consiliis exigat negocium supradictum, rogamus et petimus in plenitudine affectus nostri quatinus nobis qui pacem et vnitatem in vobis et regno vestro querimus, et que Christi non que nostra sunt, intencione feruida postulamus viam bonam et aptam ad talia prouidis consiliis et subsidiis preparatis, per quam et libere intrare possimus et in conspectu Domini ambulantes de misericordie Sue adiutorio iniunctum nobis opus ad ipsius gloriam et ecclesie sancte decus ac animarum salutem et ipsius regni vestri et ecclesie Anglicane statum laudabiliter impleamus.

III. *To the College of Cardinals [at the beginning of September 1265].*⁸

Misericordie Domini super opera sua, vt deprauata manibus hominum non dentur in consumpcionem, sed dissipatis consiliis cordium terrenorum, ne possint manus eorum explere quod ceperant a dispositione cogitationum celestium, dirigantur. Sane, si super Anglorum regno consideracio matris ecclesie dirigatur, habet ipsa in quo patris eterni consolacionem et donum huius temporis grata recognitione decantet, et concussum opus in manibus errantium filiorum diuina iussione ad quietem erectum et⁹ ad bone spei remedia gaudeat preparatum. Et quidem onus graue multisque circumiacentibus periculis formidandum a beatissimi patris nostri vestrisque digitis humeris meis impositum per multas et varias tamen difficultates itinerum et laborum cum corporalis egritudinis molestiis vsque in diem fere presentem pertuli humiliter, et omnia contempsi vt quantum in me fuerat Dei misericordie subicerem et eius graciae quod meis erat impar consiliis et viribus importabile commendarem. Sub eius proteccionem tandem sanitatis resumpto beneficio ad inclitum et serenissimum principem regem Francorum illustrem iii kalendas Septembris, Domino comitante perueni, qui firma et quasi media columpna in domo Domini deserta¹⁰ michi dedit quasi patrem et matrem mittentes in me misso suscipiens honore condigno et qualis a filio de libera nato per reppromissionem poterat expectari. Sicque auctore Deo qui causam iudicat apud Parisius¹¹ cum eodem felicissimo rege me communicante consilia que iniunctum michi negocium contingebant, factum est vt Romanorum et Anglorum reges ac vir egregius E. ipsius regis Anglie primogenitus suas michi litteras destinarent fidei et bone spei ac prosperi processus in ipso negocio indicia perferentes. Quibus et aliis circumstanciis inductus, de consilio prefati regis Francorum ad dictos¹² reges et alios de quibus

⁸ Printed by K. Hampe in the *Neues Archiv*, xxii. 2. This letter appears to have been written soon after Ottoboni's arrival in England.

⁹ Omitted in MS.

¹⁰ MS. 'desertam.'

¹¹ MS. 'Paris.'

¹² MS. 'ditos.'

expedire visum est, meos duxi nuncios premittendos, qui de securitate ac modo mei transitus ipsorum michi litteras reportarent. Hec igitur celestis misericordie munera in vestram referens noticiam, vt habeat sanctum collegium vestrum, in quo demissi college, licet minimi, preuento labore congaudeat et psallat Altissimo qui claudit et aperit et nescimus cum audierit vocem nostram. Rogo qua possudt instancia et deuota in Christo affectione requiro, quatinus prefatum negocium et me in ipso apud Deum et vestrorum consiliorum salubritatem ac beneplacitum mandatorum habentes, piis mentibus commendatum michi super hiis mandare et intimare velitis, quidquid sancta et Deo placens deliberacio vestra, viderit expedire. Que siquidem post miserabilem casum Symonis comitis Leycestrie ad negocium ipsum pertinencia contigerunt, vobis sub ea qua potui certitudine notificare curavi vt ¹³ per regalium litterarum tenores meis litteris domino nostro summo pontifici destinatis insertos ¹⁴ aliquid circa id poteritis clarius et evidencius intueri. Que vero de cetero michi parabuntur a Domino iuxta rerum expedienciam curabo sollicite in vestram deducere nocionem vt ex vestra quoque parte non desit oportuna exhibicio consilii et auxilii salutaris.

IV. *To Alexander III, king of Scotland.*

Posita in monte speculacionis et in preeminencia sollicitudinis pastoralis Sacrosancta Romana ecclesia, vt vigilet super gregem ovium redemptarum in sanguine Saluatoris, quantum miseracio diuina permittit ac rerum et temporum qualitas sustinet, cogitacionum suarum apponit consilia et laborum et operacionum suffragia pro filiis meditatur: hoc autem diligenter et sollicite prosequens sanctissimus pater dominus Clemens papa quartus nos, licet inuitos et renitentes, veluti qui onus tanquam grande sciebamur supergredi vires nostras, ad regnum vestrum commisso nobis in ipso necnon in regno Anglie ac in Ybernia et ¹⁵ Wallia plene legacionis officio de fratrum piorum consilio destinauit. Cum igitur aperta ianua per miseraciones regis celestis prefatum regnum Anglie simus ingressi, et diebus hiis quibus regnum ipsum propter commociones et tumultus varios nostra videtur pro reformatione pacis et tranquillitatis indigere presencia, regnum vestrum visitare personaliter non possumus, quamquam persone vestre visu et colloquio gaudere multipliciter affectemus, cuius amorem nostris precordiis inseparabiliter custodimus, discretos viros latores presencium ad presenciam vestram duximus destinandos, celsitudinem vestram sincere caritatis affectibus exorantes in Domino et sub consignati et precipui amoris confidenciam requirentes, quatinus ad ecclesie sancte matris nostre dulcedinem reuerencie spiritum erigentes, et in nos qui ab ipsa mittimur ¹⁶ indudentes regie claritatis aspectum, ¹⁷ memores quoque dileccionis amplissime quam felicis recordacionis dominus Innocentius patruus noster in vos de spiritu beneuole paternitatis effudit, commissum nobis negocium et onus habentes in vlnis serenitatis regie commendatum, prefatos nuncios nostros benigne recipere velitis et eisdem sub hiis que vobis ex parte nostra retulerint fidem plenariam adhibere ipsam, sicut de magnificencia vestra plene confidimus efficaciter adimplentes.

¹³ MS. 'et.'

¹⁴ MS. 'insertas.'

¹⁵ Omitted in MS.

¹⁶ MS. 'innitimur.'

¹⁷ MS. 'aspectu.'

V. *To Pope Clement IV [early in 1266].*¹⁸

Immemor antique redemptionis et oblita vnde ceciderat gens Anglorum, quam in partu laborioso enixa fuit mater ecclesia et cotidianis educauit alimentis, atque in domum Domini et decorem eius materni laboris gubernaculum introduxit, ita vt inter ceteras filias diuini cultus diuicias congregantes illa vniversas supergredi videretur, diebus hiis auertit dorsum suum in filiis inueteratis factis alienis et claudicantibus a semitis suis, qui extinctis luminaribus maiore in rebellione auctoritatis ecclesiastice, minore in captiuacione regie potestatis, quasi ebrii errabant, et quasi nocte in meridie, sic palpabant optimates quoque capita populorum obumbrantes super caput cecorum in die belli et in hora regis superborum sternentes¹⁹ sibi aurum quasi lutum, manducauerunt sibi iudicium, veritati te iusticie in faciem resistentes. Aspiciens autem a longe matris pietas super filiorum naufragium eiulantis, manum suam misit ad forcias, sanctitatem vestram tunc in parte sollicitudinis positam ad illos mittens, que sicut pastor dulcis et adiutor fortis perditas oues ad ouile humero deportaret et quidem in die furoris, qualiter euigilauerit letargitus ad vocem incantantis sapienter aut passus fuerit ligari freneticus, ad salutem vouit, qui palpauit et misit digitum iuxta latera cum labore, set recalcitrante furore nequiuit immittere post laborem. Cumque non senciens cum illis diuina bonitas de repulso sed ad maiora illum reseruans et preparans illi carismata meliora, illum gentibus et regnis vniuersis preposuisset in apice ecclesiastice potestatis, ille me, licet imparem oneri laboris, inualidum, et exercicii non expertum, ad exquirendum reconciliacionem et salutem illius gentis et populi destinauit. Atque vt paucis agam me aggresso quod supra vires esse perpenderam, cum abyssus iudiciorum Dei prauitatis illius materiam conquassasset, parato michi per fidelium operationes ingressu terram intraui gentis illius, et aspiciens in facies hominum condolui errantibus, et deceptis compaciens omnibus et ad medelam aspirans secundum diuine gracie dignacionem salubriter apponendam. Cum autem ex hiis qui de plebe humili erant multi ad absolutionis graciā sic²⁰ deuote conferrent, hii vero qui videbantur esse columpne in pastoralis officii culmine constitute, qui quanto maiores tanto grauius deliquerant, proprie salutis dispendia negligentes sub dissimulacione transirent, expectaui ad ipsum sub silencio, si forte excitarentur a spiritu qui dormitauerunt in delicto aut saltem a clamore vulgato, qui per ora vulgi ferebatur auribus meis et²¹ publici rumoris et aperte fame testimoniis crebrescebat, meque circa quedam, inueniende pacis in dicto regno causa, eo tempore laborante, circa illos pacienciam habente²² ita vt ipsa fines suos excedere videretur.

VI. *To the head of some religious house in England.*

Litteras vestras per fratres vestros delatas recepimus, mirande pietatis speciem preferentes, que vasa populi corrupta quadam superficie leuitatis quasi motis ad parcendum labiis incrustabant. Docendus sane populus predicacionis voce, non sequendus animi palpantis errore, capitur enim in

¹⁸ As Ottoboni speaks severely of the recalcitrant bishops, he perhaps wrote soon after he had suspended the bishops of London, Winchester, and Chichester, at Northampton, in January 1266; cf. *Flores Historiarum* (ed. Luard), iii. 9.

¹⁹ MS. 'sternentis.' ²⁰ MS. 'si.' ²¹ Omitted in MS. ²² MS. 'habens.'

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circumspectu vulgus inquieti hostis insidiis, qui, per medios cuneos cursitans et auolans, ponit verbum iniquum in ore credulo, et seminat illud, abscondens pestem sub dealbatione iusticie et ymagine veritatis. Semper errores legimus, et murmur est²³ indocti vulgi pelagi more fluentis; si planget pectora, quasi pia delusione turbatum, feriamus corda illius vomere sulcante, quasi pro veritate pugnant. Palpauit illa Moyses veniam impetrando caritatis ardore, non secutus errorem, impietatem²⁴ ydolatrie furore iudicii castigauit; triumphales belli nostri duces si talia confouissent non adhuc surgere aut sistere edificium positum supra petram, illorum ministerio fabricatum, et propugnaculum illud natum de virgine, leuatum in cruce, conterens zabulum,²⁵ in victoria mortem absorbens, ingressum interiora velaminis quod non poterat manifestari gentibus, si vulgus carnis et sanguinis per eos non fuisset edoctum quibus non erat a carne et sanguine reuelatum. Nos quoque, ad euellendum malum hoc precipue quod regnum turbauit et gentem, a matre dolente de filiis, licet insufficientes oneri destinati, non satellitum stipati cateruis, non populorum circumfusione vallati, verbo simplici et gressu confidente incedimus, dicentes quoniam hec est veritas que impugnabatur ab hoste humani generis promittente pacem in opere illorum, qui mala componebant sub specie pietatis, et quoniam hic est Christus qui crucifigebatur iterum, quia Petrus manens in fide fugiebat a cruce: atque vtinam predicatorum crucis sine errore in fide sic manserint, vt nemo debuerit ex²⁶ illis esse molestus ecclesie, pudenda rapina docti sunt a discipulis erroris, et vtinam non ducti sint²⁷ magistri veritatis et qui stare debuerant in confraccione, vt cessaret quassacio, quomodo fugerunt, et vtinam citra nudum sermonem placuerint²⁸ quassantibus et submersis. In medium res publica deducitur, de qua putamus conferre, dum ad animarum salutem agitur, non licere, aut si licere dicatur redeamus nunc in viam patrum nostrorum, quasi emulatores paternarum tradicionum, quibus propter rei publice salutem ydola colentibus illa florebat; et scimus quoniam post indutum Christum a gentibus defloruit, et in nichilum abiit et vniuersa rei Romane materia, nec lateribus dominatur, que posuerat capud suum super vectigalia prouinciarum, vt vix esset accessibile, quod iugum illius imperii non portaret. Si genti Anglorum non renouata sed noua promitteretur hec gloria non modo ab homine qui de terra loquitur, verum etiam ab angelo qui de celo descenderet lucens in albis et in aspectu fulguris, eos qui custodiunt sepulcrum, ne tollatur Christus, velud mortuos exterrens et sternens, quid dicemus? Ascendet gloria hec, vt veritas deprimatur? Assumetur angelus et relinquatur Christus? Eleuabitur nubes vt rex et natus in regno carceri detur et inopia consumatur? Scimus autem quod anathematizabamus angelum hunc voce libera in euangelica tuba scientes hunc transfiguratum in luce a tenebris, et irruemus in eum in confidentia preconis in armis et robore apostolici non amantis aut curantis rem publicam celestia confundentem. Nunc ad miracula que protendentur sternencia sibi lutum et aurum non vtinam quasi lutum colloquia conuertentes, veniamus ad magos Pharaonis, qui faciebant similia Moysi et induratum cor non accendebant,²⁹ quoniam in Dei digito defecerunt; sunt et hodie qui

²³ MS. 'murmuret.'²⁴ MS. 'pietatem.'²⁵ i.e. 'diabolum.'²⁶ Omitted in MS.²⁷ Omitted in MS.²⁸ MS. 'placuerunt.'²⁹ MS. 'accendant.'

non attendunt, quod regni huius subuersores, qui facies suas auerterant a sponsa Christi et matre fidelium, que in digito Dei alimenta celestia conficit et ministrat. Consumpti sunt in sua malicia hii qui suam maliciam non mutarant, et opus, quod a Deo non erat, stare non potuit, et forte sunt hii ex iustis qui perierunt in sua iusticia, dum suam non Dei iusticiam componentes et dicentes vt fieret Domino non iubente, sine auctoritate potestatis terrene potestati et ordinacioni diuine potencie restiterunt³⁰: hos autem docere debuit absque timore lingua predicantium, vt auerterent se a via iniusta et humilis apostolice fortitudinis apprehenderent disciplinam. Qui enim pro se et Domino legis nato sub legis tributum soluerat in ore piscis inuentum, ipse docuit, vt non modo regi set et ducibus ab eo missis et dominis non solum modestis set etiam discolis subiecti essent, quos ipse docebat ne audeat populus de rege aut seruus de domino iudicare; propter hoc vero tribunal maius in terra non deerat apud quod etsi non clamore querele saltem reuerenti deuocione poterat insinuacio deponi conueniencius ab oppressis, et si dicentes sibi mater ecclesia non audisset, dicimus quod per viam virtutis resisti non debuit vel licuit potestati, sed cum rex fidelis nichil contra fidem ageret vel mandaret pareri oportuit. In aliis vt miracula prodirent pro pacienter obedientibus et afflictis, cum etiam, si de talibus agitur, iuxta intellegencium intellectum victrix paciencia miracula quelibet excederet ad salutem, precedens enim virtus et vita miracula probat, non probatur per illa penes iudicem probatos in sanctorum cathalogo conscribentem, et in glorioso martire Thoma quem ad hanc similitudinem adducere voluistis, ceterisque quas approbavit sancta Romana ecclesia, sic comperimus obseruatum. Sed dicitis, miracula fiunt, et certe fiunt et ea vidimus, licet ignoremus vnde veniant vel quo vadant. Si dicitis hec et nos dicimus hec,³¹ monemur quia fides recta scientis non verum et bonum miraculum major est quorum est causa, sed et miraculis gaudet in se ipsa fundatis, non a miraculis extra se vagantibus detorquetur, que vtique in sanctis non est curata³² miraculis vel tormentis, que nec viuunt in reprobis per quos miracula fieri nec unquam comperimus, vel per illum pocius qui est mendacii pater et reproborum magister, quem legimus regem super omnes filios superbie presidentem. Ad hec si quem in extremis in ore confessionis de commisso flentem vidimus, et in signis penitencie constitutum, constat quidem aut peccasse hunc aut³³ esse mentitum, scire autem penituisse non possumus, penitencia miracula ymo vel veniam promerente, sicque manifesto precedente peccato et corrupte vitam, eciam si bona precesserat, eo quod qui in vno peccauerit multa bona perdet, probanda sanctitatis facultas nequaquam ad miracula conuertetur. Quod si cuiusquam eorum quos in bello peremptos dicitis absolucio que ante belli fuisse dicatur ingressum in medium proponatur, scimus et vos scitis et videntium nullus ignorat nullam esse absolucionem huiusmodi, que cessantibus causis specialibus ab alio quam a summo pontifice vel eius mandato fieri non potuit vel conferri, que eciam ab eo qui posset fuisset ante belli tempus impensa, tamen per actum contrarium, et propter quem: seu cuius materia recognita sententia lata erat, sic absolutus in idem vinculum recidisset. Restat igitur nulli absolucioni remanere locum nisi extreme contricionis gracie, cuius tempore procedere potuit huiusmodi absolucionis beneficium a quocunque. Sed morientis

³⁰ MS. 'restituerunt.' ³¹ MS. 'nec.' ³² MS. 'curata.' ³³ MS. 'autem.'

in eo statu et casu miracula sanccione carebunt, nam, cum extra arcam esset, regnante diluio illam in conspectu terreni iudicii non intrauit; non igitur ab homine iudicabitur ad miraculorum merita qui etiam apparentibus contricionis indiciiis vix ad oracionem suscipitur propter dubium harum quibus inuoluimur mundialium tenebrarum. Tollimus autem non veritatem saluacionis calcata quam scit Deus aut abissum iudiciorum Dei homines et iumenta saluantis sed veneracionem ignoranter³⁴ scitatis quam non admittit forus militantis ecclesie denegamus intenti,³⁵ si vobiscum sequimur populi voces, si miremur quas dicitis pectorum tunsiones compressionesque palmarum ecclesie facimus cecos ductores nostros. Proch dolor indisciplinatorum, discipuli, quibus dati sumus pro veritate magistri. Quid vero de collocucionibus et sermonibus vestris inuicem³⁶ et cum populo presumemus? Si iam pro errantibus oratur et pro decepcione populi confouenda excusacionis littere diriguntur, non restat vltra nisi vt reprobatum renouantes errorem frangamus vincula legis, abiciamus iugum; sibi vnusquisque sit capud nec regem intelligat nec maiorem. Hec ad vos et in vobis ad fratres vestros tanquam ad perfectos eloquimur; vos autem oportet in lacte sanctarum suasionum et pane predicacionum quarum oneri vos sancte professionis nexibus alligastis animorum debiliu semitam in viam dirigere veritatis, et genua tremencia confortare, ac pro modo capacitatis illorum sordes erroris de ipsorum cordibus ammouere. Super eos intelligite, et vomere predicacionis terram proscindite aridam et incultam, et docete eos ambulare in humilitate subieccionis, qui nesciunt in vrbem pergere, quibus datum est fideliter credere, non temere discutere. De apicibus diuine disposicionis et ecclesiastice potestatis sileat in ore vestro sed ne loquatur in corde ecclesie Romane verecundia in hac parte et magis attendite veritatem. Nolite flere super illam vel ministros eius dum modo a recto iudicio non recedant, sed flete super delusos ne in ignorantia manendo deperant et vos, quod esset ridiculum, secum trahant. Nam dum iuste iudicatur circa manifestum aliquod vel probatum rei veritas in qua, dum in via sumus, fallimus interdum et fallimur, iudicium non accusat nec arguit iudicantem; habeat vnusquisque reuelaciones suas et priuate senciatur quod expedit de occultis, in manifestis vero seruet terreni iudicium tribunalis. Et si corda imperitorum non possunt sue credulitatis auelli, numquam imperiti efficiemur et fatui propter illos, forsan vtique sequentes apostolum qui omnia omnibus fiebat, sed quidem vt omnes lucrifaceret quos querebat, non vt qui erant increduli eius fierent subuersores; ipse est qui laudat libenter suffere insipientes, non vt insipientes simus, sed cum sumus ipsi sapientes alioquin, videbimur non tam docere quam doceri, non tam conuertere quam conuerti eciam vel subuerti. An quia Indeis est scandalum et gentibus stulticia verbum crucis, et quia pauciores incredulibus credentes sumus, abnegabimus crucem quasi mirantes eos aut quasi a verbo ipsorum aspero formidantes? Non est hoc compati sed nocere, non prebere regimen sed augere discrimen. De absolucione autem defunctorum per vos facienda nichil adhuc petatum apud nos meminimus vel ostensum, nec ad ipsam possumus sine discussione procedere; cum quibus non communicabatur viuentibus communicari non debeat iam defunctis, nisi prius manifestis

³⁴ MS. 'ignorate.'³⁵ MS. 'intendite.'³⁶ MS. 'inuicem.'

apparentibus penitencie signis absolucionis beneficium consequatur,³⁷ quod suo tempore more et³⁸ ordine postulatam velle nos vel debere impendere non negamus. Nos vero insinuacionem vestram quoad³⁹ premissa non tam fastui quam errori, non tam fauori partis alterutriusque quam impreuise mentis preiudicio⁴⁰ ascribentes, de habenda secreta scripti vestri serie vt petistis facimus quod digne nouimus expedire.

VII. *To Alexander III, king of Scotland.*

Veterum declaracio meritorum vestre gentis et presidencium, fidem sanctam astruens a matris ecclesie vberibus a⁴¹ gratificante lauacro regeneracionis acceptam et vsque in tempus hoc absque macula custoditam, celsitudinis vestre contenta litteris, mentem nostram delectabili suauitate detinuit, et desiderabili iocunditate confouit, non quasi res nobis aut nostris nouat temporibus, que orbis terre finitimas regiones fama certe veritatis impleuit, sed quia dulcis est sermo filii materni professor amoris, cum, et intima cordium et occulta conspiciens, confessoris sui coram hominibus se coram patre suo constituat confessorem. Sane si reuerencia filii vultui matris assurgit, est quidem laudabile sed et debitum et dignum et pariter salutare. Cum nec speculum desit, in quo aperta consideracio videat, quod in labore conceptos et in dolore partos filios matris sollicitudo non deserit quin eorum custodie ac saluti studio materne dileccionis intendat, visitans vt gubernet et protegat et a periculo dierum malorum eripiat in auxiliis opportunis. Profecto diebus hiis quibus regnum Anglorum ab magistris per media in summum fuerat valida tempestate commotum, ita vt ruinosam scissura⁴² eciam vicinis regionibus minaretur, pie respiciens super vos et ceteros magnos et paruos istarum partium incolas, sancta Romana ecclesia et sanctissimus pater et dominus noster summus pontifex, qui in minori tunc constitutus officio ad rumpendum malum in prima duricia fuerat destinatus, nos licet inuitos et pro rei pondere quod nostris est impar viribus renitentes ad regnum predictum, Walliam, et Yberniam, commisso nobis in eis legacionis officio, destinauit, vt pacem et requiem omnibus et singulis vigiliter et sollicite procurantes optatos nostri laboris fructus patri reportemus et matri: et certe hoc de manu ecclesie sancte suscepimus, hoc vnum in mente gerimus et cogitacionibus nostris et operosis studiis super omnia collocamus, vt pacem vbi esse inuenerimus conseruemus, et vbi abfuerit ipsa per nos absque dissimulacione vel desidia conqueratur. Inter hec credentes excellencie vestre animum nostris desiderijs conuenire, spemque certissimam in hac re de vestrarum litterarum serie colligentes, pro vobis et statu et honore vestro intendere proponimus et optamus, sperantes in omnibus congruis et honestis dominum regem Anglie illustrem et omnes suos tam erga vos quam pro vniuersalis pacis negocio erga omnes inuenire ad beneplacita vestra promptissimos, et ad omnia prout expedire viderimus et voluerimus inclinandos. Ante siquidem hos dies post ingressum nostrum in regnum discretum virum, magistrum Mauricium, dilectum capellanum nostrum, clericum, virum fidelem vestri honoris et nominis ad vos cum litteris nostris duximus destinandum, et nunc bona et placente in

³⁷ MS. 'consequantur.'

³⁸ MS. 'monet.'

³⁹ MS. 'pro iudicio.'

⁴⁰ MS. 'qua ad.'

⁴¹ MS. 'ad.'

⁴² MS. 'ruinosam scissuram.'

oculis cordis nostri occasione de litteris vestris assumpta⁴³ rescribimus, strenuitatem vestram, quibus modis et affectibus possumus, requirentes in Domino, et rogantes quatinus ad bonum pacis vestrum animum vestramque potenciam totaliter conferatis, et de vobis in omnibus et per omnia que vestri status et honoris esse possint certissime confidentes nuncios vestros et litteras, quociens placet et oportet⁴⁴ in debitis⁴⁵ cum omni confidentia transmittatis, quibus prefatus dominus rex securitatem omnimodam prestat et prestabit plenius in futuris. Nos autem nuncios nostros ad vos suo loco libenter et fiducialiter in breui curabimus destinare, sperantes in Domino vniuersalem statum post reconciliacionem vestram potencie vestre consiliis fore potissime promouendum.

VIII. *To one of the rebels, perhaps a bishop.*

Degenerem a populo graui et fidei nacione dum te conspicimus an mirari plus quam dolere vel conteri possimus, ducti per varia, dubitamus; dolore amor cogit et confidentia precipit, mirari docet potens a diebus antiquis tue constancia nacionis, que inter ceteras quasi proprium sibi consorcium huius virtutis ascium. Patet vero iam dissutis colloquiorum presencie nostre articulis aut fidei et veri amoris penituisse amicum aut federa lucri amore rupisse vel fictum fuisse presentibus quod absentibus nobis aquam contradiccionis effudit. Fecisses nobis prius indicium, quod immutandis amicis per osculum manus ritu gentis tue fieri consuevit, habuisset animus noster aut ad reconciliacionem vestigia congrua aut ictum preuisum minus ferientem vel scuto excepisset vel in te pro viribus replicasset. Magnum est, vt videmus, et potens quod absentia corporalis per morulas et momenta quasi alluuiio latenter detrahit et abducit, sed amorem nostrum sic apud te latum montem reputabamus et altum vt tam modicum absencie nostre tempus minime ad alluuiouem eius sufficere crederetur. Et quidem si non amicus aut non inimicus noster contra nos arma caperet, aut mens nostra virtutem ex necessitate componeret, aut defensionem absconsio ministraret; tu vero vnanimis consiliorum nostrorum dux, et omnium conscius agendorum, qui quod eras et poteras in nostrum auxilium et consilium exponebas, qui flebas flentibus nobis et gaudentibus congaudebas fidelibus multis et constantibus apud nos⁴⁶; qui rem istam factumque illum⁴⁷ accenderis, multum fidei et constancialis meriti per exempli perniciem ademisti. Suscepisti enim faciem hominum ignotorum et oblitus es qualis fuerit facies cordis nostri, in quo tua sedes te non minorem pluribus collocabat. Tu ipse despicerere,⁴⁸ tu scire potes, quid querimus de amico. Nos enim circa defensionem impugnancium processus nostros, quorum iam conscius factus eras, dum te aggressum videmus, nullam preter commocionis et admiracionis viam quasi stupefactiuam extasim patientes possumus inuenire, et quo magis attendimus et scrutamur, eo magis deficimus agnoscere, quid tue dileccioni preterite consonis actibus aut verbis congruis rependamus.

IX. *To Pope Clement IV. [August 1266].⁴⁹*

Sanctissimo patri et domino C[lementi] diuina prouidencia sacrosancte Romane ecclesie summo pontifici O[ttonis]⁵⁰ miseracione diuina sancti

⁴³ MS. 'cassupta.'

⁴⁴ MS. 'oportere.'

⁴⁵ MS. 'indebitis.'

⁴⁶ MS. 'eos.'

⁴⁷ MS. 'trium.'

⁴⁸ MS. 'despice.'

⁴⁹ Probably written about the same time as the following letter.

⁵⁰ MS. 'C.'

Adriani diaconus cardinalis deuota pedum oscula beatorum. Habuit commissum michi negocium dubia, dum assumeretur, auspicia, pondere immenso de manu patris imposito super humeros filii reuerentis et sperantis in Patre luminum, in quem prospiciens virtus res impossibiles ad possibilem facilitatem redigit, et adiuta per gratiam in integrum subuersa restituit. Ingressus quidem attritam⁵¹ et atonam⁵² regionem, respiciens in facies ignotas, vestigia insueta temptaui, et dum super spinas et tribulos nudis pedibus ambularem, nec aggressum fuisse piguit, nec me cepti prosecucio fatigauit. Vere, vt scripta vestre clemencie perferunt, dubium hunc statum per meas litteras intellexistis, et aliorum relatus, quamquam ex depriuacione seu semen plus et minus et aliter serere potuerit erroris et falsitatis opinio potuit iudicare. Nolo, pater, nolo tamen vt vestre menti cogitationes accedant varie vel succedant. Ego de vniuerso illo sum, cuius oculi vident pericula desercionis⁵³ que est mercenarii non pastoris. Intueor regis, regine, liberorum, sortem dubiam, feudum nobile, Christi hereditatem, et vineam piscatoris habeo in conspectu meo, seruus Domini et sancte matris filius destinatus, de quibus omnibus fideliter cogitans sequar paucorum sententiam et proloquia non curabo multorum. Sed et quod pauidus videar verbo aut scripto patris filius non succensebo deuotus, sed excusacionem habebit illa recepcio causam suam. Sane cum post dominice resurreccionis festa celebrata Londonio, rex vna cum filiis contra illos qui castrum de Kenielworde detinent, ciuitatem ipsam profecturus exiret, et post se vota ciuium aduersa respiceret, hii qui rem regiam et publicam emulari et consultum illi esse optare curiose ac proinde videbantur, non tanquam timidi sed periculo, quod ex multis et veris milibus causis videbatur ingruere, studiosi caucius ante tempus occurrere, quam post vulneratam magni ponderis causam forsitan frustra remedia querere, cum ipsius regis et quorundam prelatorum et baronum consilio et approbacione deliberacionis voluerunt, vt in ciuitate predicta tunc temporis remanerem, et castrum regis, quod in extrema ciuitatis ipsius parte inter cetera loca terre illius situm habet satis amenum et spacia lata domorum, inhabitandum intrarem; donec exitus meus a loco ipso pateret, vtilitas et perambulacio patrie fructifera videretur, vt et quantum erat in homine bene omnia fierent, et ex moi presenciam castrum ipsum tucius et ciuitas in ciuium cordibus et ab hostium incursum recurrit redderetur. Quod Deo faciente meque ab exhortacionibus bonis non retrahente manum, a multis et prudencioribus talium gnaris sic asseritur profuisse, vt secundum diuine voluntatis propositum magnum et certum formidandumque periculum ex hoc fuerit declinatum. Quod vero scripsi de statu dubio perferente timorem non singulari timori⁵⁴ deuoti filii in agone certantis ascribat pie paternitatis sancta serenitas, ac timorem propassionis non obuium racioni non tam michi ipsi quam rei commisse perdicioni credat composibilitate insidentem. Nam etsi proposito michi nauis illi certum videretur imminere naufragium, non dicam mihi, qui videam omne consilium Dei et sciam, defecisse tempus quasi ab omni potente absconditum, nec quasi abissi profunda deambulauerim putabam quod nullum retinuerit dextra diuina presidium, quod releuet naufragium eciam vel submersum. Habebo in omnibus hiis fiduciam spemque proposi-

⁵¹ MS. 'accritam.'⁵² MS. 'actomuum.'⁵³ MS. 'disercionis.'⁵⁴ MS. 'timeri.'

tam; expectans semper a Domino vt intendat et consurgat michi fulgor meridianus ad vesperam, legau michi promissiones eternas quas proponit de naue Symonis prudencia patris dirigens filium et sedula exhortacione doctrine. Non tam parui michi est, vt de merito meo taceam, patris mei fratrum quoque illius quasi digitorum dextre excelsi honor et gloria, vt in pace manens quamecumlibet expugnata profectum desperem, aut defectum a pusillanimitate spiriti et tempestate formidem. Aspicio in oraciones pro victoria commissi gregis eleuacionem manuum summi fidelis prudentisque pastoris, meque tali tantoque presidio commissum sciens cui credidi, certus sum a celesti obumbracione eciam in die furoris et formidinis protegendum. Quod autem michi committor, probat in hoc auris mea verba clemencie, que non motura me in partem alterutram quasi alimenta dulcia proponuntur. Sed vero aratro subiugatus liberalitate aurigi sancti quasi excusso iugo aut quasi possessore incognito non abutar. Satisque me vrgeri putabo a dirreccionem paternam, fideli, sancta, et vera; illius non solum⁵⁵ attentum sed et beniuolum auditorem. Nec enim tam liberum me natum puto, vt malim tunicam meam a cruore immaculatam oue michi tradita in ore lupi dimissa patri et fratribus ostendere, quam torculari calcato rubrum vestimentum et intinctam sanguine tunicam presentare. Gracias igitur ago dirigenti me patri aggerenti⁵⁶ et vrgenti et in omnia paratus⁵⁷, in igne positus, non effugio vini flammaram verumtamen estum illarum; non tacui nec tacebo sed pronuntiabo illum, et sanctum patrem et equum iudicem deprecabor vt oracionum illius refrigerio subleuem estuatus, atque vt, operis sui processum agnoscens, oportunum ferat auxilium et consilium villico laboranti. Omnia quoque prosequar pauore contempto, nec me ab hiis reuocante labore, meque vltra quoque vires extendens non desinam, donec aut ceptum impleatur aut potencia deficiat aparantis, super omnibus et in omnibus diuine misericordie rorem et vestre beatitudinis apud illam expectans dulce presidium sequentibus ad fomenta cunctorum sancte prouidencie vestre consiliis et mandatis.

X. Warwick, 23 August 1266. [To a House of the Franciscan Order.]

Potestas Dei est et preceptum a Domino imperiosum in virtute descendens. Eleuatus super se homo confinget vas sibi et confringetur, qui a potenti non venit et inicium a potencia non suscepit. Sapiencia disponens et bene omnia faciens, ponens delicias suas esse cum filiis hominum strauit fundamenta sancctionis eterne. Oculus eius vidit omne preciosum et in eminentia opum suarum vias suas abscondit, et operuit iudicia, vt non manifestentur omni nationi, set ei cuius posuit fines. Pacem amor connectens conditis, dulcedine refeccionem viuificantem, docet filios lucis, vt in omnem veritatem edocti molem terrenam excuciant et reiciant temptatorem, videntes semetipsos et in lumine primo alios precedentes. Videtis, potentes patris celestis filii, aspiciate potestatem, de qua ministravit vobis sanctissimam vnitatem. Hec est pia mater Romana ecclesia, que in virtute potestatis et potencia regni congregacionis vestre vnionem construxit, quasi vas in honorem et figulo fabricatum. Hec est, que in sapiencia verbi Dei, in decore sponsi, et in speculo consideracionis vidit preciosa camporum, et elegit virencia saltuum, dum surgentia

⁵⁵ MS. 'solium.'

⁵⁶ MS. 'agerem.'

⁵⁷ MS. 'paratur.'

germina vestre plantacionis agnouit de patre pauperculo, fundamenta stabiliens que in gentem magnam surrecturum patrem ponent in honorificentiam cum populo, cuius vocem volucres celi audirent, quasi eleuatum a terra et in excelsiora tendentem atque in prurptis silicibus commorantem spiritum contemplantes, et quasi plumescentem accipitrem alas suas ad austrum superferuidum extendentem. Hec est que in spiritu sancto, in quo illam confirmauit, prouidencia saluatoris contulit vobis amoris et fraterne vnionis vincula ordinis nomine et normam et regule disciplinam. Agnoscitis hanc matrem, filii, que auspicio meliore vos genuit et peperit in carismata meliora. Ad lumen eius ambulatis in tenebris que, si defecerit, non est ad cuius confugiatur auxilium, nec habet vir natus in terra vbi suam gloriam derelinquat. Hanc matrem honorare oportet et precibus pulsare, cuius ducatu eterna longeuitas inuenitur, extra quam frustra oleo deficiente lampades hornat⁵⁸ infatuata virginitas, extra quam agnus, si commeditur, prophanatur. Hec est nauis que fluctuat et quassatur, non mergitur, que in altum ducens recia, Domino iubente, non danda scissure sed eius auxilio indigencie pre timore piscium capit multitudinem copiosam. Hec est mater que non est nouercata super vos set matere benediccionis dulcedinem continuatis beneficiis ampliauit, ponens vos in confidencia sua quasi columpnam mediam in templo Domini et quasi sagittas electas in pharetra sua, et velud aurea et argentea vasa in ministerium super mensam Domini; preparauit deditque vobis remigi clauum in carina laboris in quo agitatur super semitam seculi huius, quam calcant viri iniqui et vulpes demolientes vineam plantatam ad dextram agricolae in sanguine vinitoris. Ecce diebus hiis malis quibus extensa est sicut pellis huius regni calamitas, quando magistri non sui nauem ad naufragia deducentes institoribus malignis et infideliter agentibus gubernacula commiserunt. Secuta est depopulacio in omni climate regionis, vt quod contra Deum fuerat consilium malum nichil nisi contra Deum produceret vel haberet. Sed quamquam omnium fere incolarum terre huius in idem vota confluerint, quid tamen exierit aut quem fructum bonum arbor mala fecerit, dimissis fere innumeris in manu iniquitatis sue, scit, qui didicit, quoniam non est consilium contra Deum. Atque vtinam sancte matris vestre gloria hec esset et nostra vt non calcaissent aut calcarent hanc semitam pedes sancti, et ne ad ymum perfodere videamur. Hoc de vobis querimus, hoc monemus vt aspicientes in faciem matris et Domini nitentibus⁵⁹ oculis et corde propinquo simpliciter ambuletis, nemini dantes occasionem contra ministerium vestrum, qua vituperari⁶⁰ possit aut pene de vite correccione addici⁶¹. Sequimini vestigia patris et institutoris vestri, qui a matre preterquam non nouerat aliam carnis sue genetrice relicta Christi vestimenta suscepit, et ordinis ac vite fundamenta deposcens, quanquam in montibus sanctis iam humilitatis sue fundamenta locasset, egit omnem vite sue cursum in deuocione illius cuius de lacte spirituali fuerat lactatus uberibus, atque in reuerencia et tutela eius meruit flagrantissimum cherubin ardorem beatis oculis intueri et stigmata Ihesu, que in corde portabat, excellentissimo priuilegio in carnis sue materia presentare, et qui felicem agonis sui cursum sine interrupcione compleuit, stolam glorie in celis a

⁵⁸ For 'ornat' (Matth. xxv. 7).

⁵⁹ MS. 'vituperare.'

⁶⁰ MS. 'nitentis.'

⁶¹ MS. 'correccionis additi.'

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patre et coronam letificacionis a matre recepit in terris. Hec autem in vobismet ipsis viriliter obseruantes aspiciate, et videte populum languentem a facie tempestatis et ostendite illis viam salutis in doctrinis sanctis, vt discant quid facere, quid omittere, oporteat Christi fideles, et quomodo ambulare debeant iuxta vocaciones diuine dispositionis et ordinatissime bonitatis. Rogamus et eam que in vobis est sincerissimam caritatem, vt pro regno et gente, que vsque adhuc variis et amaris affliguntur tribulacionibus et iniquitatibus aduruntur, oretis ad Dominum in spiritu et corde, in ore et mente, vt releuet oppressos, errantes reuocet, et discordantes animos sua faciat pietate concordet. Orate ad patrem celestem pro nobis, qui pro querendis hiiis⁶² sumus ab ecclesia matre dolente de filiis destinati, vt in sinum miseracionum suarum desideria et actus nostros ipse recipiat, et dirigens super nos opus manuum nostrarum ad nostri laboris effectum se donet propiciam adiutorem. Vocate et in spiritum lenitatis et vigoris inducite alios quibus confessionis aut sancto predicacionis pabulo ministratis, vt pro pace, pro nobis et omnibus, que ad pacem sunt, intentas ad Dominum preces infundant, si forte ultor iniquitatum zelus Domini multis et magnis pronotatus sceleribus benignitatem et clemenciam, multiplicatis intercessoribus complacior factus, misericorditer largiatur. Nos quidem ad sanctum ordinem vestrum et ad omnes et singulos qui ex illo sunt intime dileccionis gerentes affectum et in ipsorum meritis et precibus habentes sincere confidentie puritatem, prompti animo sumus et voluntate feruentes ad omnia que apud Deum et homines ipsorum spiritualibus et temporalibus proficiant incrementis. Datum apud Warewik x kalendas Septembris pontificatus domini Clementis pape iiii anno secundo.

XI. *To the College of Cardinals.*

In labore hominum electa plantacio sanctas commiscens dimicaciones, et sub vexillo propugnaculi sancioris conficiens inimicum, contempnit arida et inculta multitudinis et virencia queque perquirens improbi exactoris effugit audire clamorem. Electi Dei, dilecti Domini, filii separati⁶³ egressi ad pascum, obliuisci domum patrum et maternos amplexus et non reuertentes ad eos set decori vestro regis concupiscenciam adoptantes, ecce in medio vestrum est rex concupiti decoris, quia in loco benedictionis in eius nomine congregati veracis estis participes sponsionis. habetis pacem adquiescentes illi in paupertate spiritali, ewangelizantes pacem, annunciantes bona, laborantes agricole iam in spe a turbine et vmbraculo, ab estu, fructuum beatorum primicias comedentes. Nos quidem ad montem congregacionis vestre suspicientes et ad colles incaseatos et regem inter illos ludentem in deliciis suis, ad dilectos precordiorum nostrorum quibus ab ineunte etate apud Dominum in fiducia multa defiximus anchoram, gerentes ad vos intimi et specialis amoris affectum et in cunctis opportunitatibus nostris apud Dominum in presente propiciacionis auxillis ad vestra suffragia in spiritu et animo confidentie recurrentes, iam in tempore fluctuacionis oculos nostros erigimus, et instructos ad omne bonum, amicos sanctos, remiges fideles, intercessores prudentes et adiutores fortes in auxilium conuocamus. Sane felix olim et inclitum regnum Anglorum quasi preclara hereditas quam locupletare multiplicauerat Dominus in multitudine fidei, sciencia veritatis, errorum eliminacione,

⁶² MS. 'huius.'

⁶³ MS. 'separati.'

cultuque sacrorum, et ad decorem domus Domini feruenti dilectione. Crescens in templum sanctum in Domino in obsequio rationabili fructum reddidit in tempore suo, ita vt hiis qui processerant in fide quasi supergrediens in admirationem daretur, et hiis qui sequebantur esset in luce candelabri speculum et exemplar in dimissione palpebrarum et amoris dulcedine, matrem respiciens et dorsum ab oneribus non diuertens. Nunc autem diebus proximis inuenta est coniuracio in viris Iuda principibus eius mutantibus jus, dissipantibus fedus, et custodibus sanctuarii pastoribus gregis terga vertentibus stultis factis, a sciencia sua et super capita cecorum de grege obumbrantibus, in die belli et hora tempestatis operientium tenebrarum. Respiciens autem sancta mater ecclesia quod super filios tales facta esset occumbente⁶⁴ sole caligo tenebrosa, et sinuans clibanus appareret, tulit de medio sui et de penatibus secretis lampadem ignis dirigendam inter diuisiones illas, sanctum et reuerendum tunc Sabinensem episcopum, vt quasi iterum parturiens filios perditam ouem quereret, quam ad ouile cum gaudio in humero deportaret. Set cum malignitas concipientis subuersionem post partum iniquitatis coartante spiritu ex vtero dolos et insidias prepararet, delusa est pia sollicitudo querentis, verumptamen qui dispositione celesti segregatus vt constitueretur super multa et ad maiora fuerat carismata reseruatus, et tanquam Aaron vocatus a Domino, quasi parata lampas ad tempus statutum, fuit de Christi et de eius iudicio ad apicem summi prelatus⁶⁵ assumptus. Cum de morbo quem palpauerat dolorem retulisset, solummodo post laborem nos ad curacionem illius, licet inuitos et renitentes qui nec modici sumus et in domo nostra non est panis, sed obedientes ne sub⁶⁶ humilitatis spiritum superbie resistere videremur, de fratrum suorum consilio destinauit. Positi ergo in loco illo conspiciamus gentem exlegem, populum insensatum, greges quasi sine duce vagantes, et dispersos quasi percussis ab angelo exterminante pastoribus. Onus graue subleuare iacentes, consiliare discordes, reducere deuios, alligare confractos quasi vasa figuli, et vnire conscissos per dissidia voluntatum, conuertimur autem nunc ad sanctorum collegium, vocamus excubantes in custodia sanctuarii, petimus oracionis auxilium vocis clamose in auribus Dei, orare vos nocte in spiritibus, et precordiis vestris aperire latibulum clamoris, et educere illum in conspectu nunc Domini, vt regnum insufficiencie nostre ad reformationem commissum pie respiciat, et mitiget ei a diebus malis, et comminuta virga percussoris pacem det in diebus operacionis et villicacionis nostre, vt rationem reddentes mittenti nos patri et matri, que siciente anima de hiis aquam frigidam nunciande consolacionis expectet, optatos fructus et colligatos laboris nostri cum exultatione manipulos offeramus. Suscipite, amici nostri, servi Dei eterni, paranymphi regis celestis, vos excussi portate onus, et rem nobis difficilem ante Dominum presentate ne a maiore nostro et omni ad aquam missi vasa vacua reportemus. Nos autem quasi vnus ex vobis ecce assumus, presto sumus in beneplacitis vestris, diligentes ortum illum sancte religionis et arcam consignatam, et venerantes corpus illud floride congregacionis exaltatum in petra, et quasi stellatum gemmis, illustratum splendoribus sanctorum, et in stillas dulcedinis quasi vnguentum preciosum per digitos excelsi pigmentarii resolutum.

⁶⁴ MS. 'occubente.'⁶⁵ MS. 'aprelatus.'⁶⁶ MS. repeats 'ne sub.'

XII. *To some persons abroad, perhaps the College of Cardinals.*⁶⁷

Fecundas pietatis litteras vestras accepimus quas de cordis dolore manus eduxit quam scimus timorem Domini profiteri. Defleuit in auribus et oculis nostris terre illius exterminium in qua Saluator noster exterminans zabulum peccata nostra defleuit. Calcauit pes attricionis et tristicie cor nostrum, ambulacio canum immundorum super terram, quam pius Dominus pro seruorum redempcione calcauit amara vindemia, qua redemptos iugulat, sicut oues occisionis, gladius inimici, ubi, torculari calcato, gladium hostis applicans sanctus sanctorum botros suos vindemiauit amare. Habet noster quoque tactus propinquum quo uratur incendium, habet oculus noster quod defleat, habet pes spinosa que calcet, est et calix amare vindemie quem bibimus, dum in commisso legacionis officio laborantibus nobis post aliquem fructum laboris inuentum velud ydre capita presto multa succrescunt, et quasi furiarum anguibus prohibere labor est quos officio gubernamus. In quibus licet fidem astruat confessio veritatis, in alieni tamen appetencia et ecclesiarum spoliacione in inuasionem sacrorum, homicidiis et dolis, dissidiis, violenciis et rapinis, fides ipsa mortua et sepulta procumbit. Sic igitur nobis inuicem flere alterutrum et spiritu⁶⁸ equitatis et oculo compassionis ingemere. Pro inuicem orare caritas dictet vt in consolacione nos societ de omnium suarum salute de gregis in cor vnum reduccionem pastor eternus. Et qui vsque in consummacionem gregis sui custodibus cum illis esse sponndit diebus nostris pugnet pro nobis, et nomini suo det gloriam, vt sciant gentes quoniam Domini est regnum et ipse dominabitur populorum. Concurrentibus vero vndique tribulacionibus quantum miseracio diuine pietatis indulserit pro posse nostro per officii nostri sollicitudinem occurremus, et in conuocacione prelatorum apud Sanctum Eadmundum ad octavam Purificacionis per nos indicta tam super regni Angliae pacificacionem⁶⁹ quam terre sancte succursum tractabimus, et efficiemus pro viribus quidquid secundum ea que reperiemus viderimus expedire. Datum, &c.

XIII. *To King Henry III.*

Si Romana ecclesia, mater nostra, erga vos maternum gerens affectum, et regni vestri quod inter alia sibi speciale cognoscit compaciens laboribus et pressuris, nos ad vestrum honorem et ipsius regni pacem et tranquillum statum voluit destinare, et nos non sufficientes ex nobis sed ad vos et genus vestrum et ipsum regnum habentes plenitudinem caritatis, et a Domino per gratiam eius sufficienciam que ab ipso est humiliter expectantes, onus hoc libenter nostris imposuimus humeris. Licet alios magis et magis sufficientes sed non voluntate maiores ad hoc ipsa mater ecclesia mittere potuisset, satis credere ymo nec dubitare potest vestra serenitas quod in hiis, que ad honorem vestrum et Anglicane rei publice statum facimus et cogitamus, capciosam mentem et aliud sonantem scribendi medium quam animus perferat non habemus. Hec autem dicimus illorum prudenciam subtiliorem quam oporteat admirantes qui verba litterarum nostrarum non capciosa captantes, et quo non expedit

⁶⁷ Written before 9 Feb. 1267, the octave of the Purification of the Virgin, when the assembly of prelates met at St. Edmund's abbey. Cf. *Memorials of St. Edmund's Abbey*, ed. Arnold, ii. 37.

⁶⁸ MS. 'spiritum.'

⁶⁹ MS. 'pontificacionem.'

extorquentes inter peccamina et peccata remissionem et indulgenciam, nituntur differenciam apud nos satis mirabilem inuenire, et cum peccatorum fit remissio non intelligunt omnia fieri cum simpliciter dicitur peccatorum⁷⁰. Scimus autem quoniam Dominus omnium et magister qui neminem capere volebat in verbo, cum dixit 'Remittuntur tibi peccata tua,' non dixit omnia set peccata, et in sacris eloquiis vix aut numquam indulgenciam⁷¹, remissionis autem vocabulum sepius inuenimus. Videant autem qui hec dicunt si artibus et scienciis operam dederunt, qui per ignoranciam videntur opprimere veritatem, et verba, que ad Deum peccata remittentem precipue referuntur et qui fallere non vult et falli non potest, recipiunt capciose. Sed in hiis parcendum credimus precipue vobis et aliis qui militaribus et laycalibus studiis operam datis. Qui vero aut mitrati aut alias litterati sunt, videant si vident et intelligunt veritatem. Omnium tamen importune sapiencie satisfacere volentes et improbe disputacionis materiam amputare, litteras, quas super huius indulgencia dedimus venerabili⁷² in Christo Ragensi episcopo sub verbo remissionis et indulgencie omnium peccatorum, duximus innouandas ne ambulanti bus per cristas arborum ullius calumpnie occasionem vel materiam relinquimus. Ad hec licet illi qui in castro contra vos manent multa et magna commiserint in Dei et ecclesiarum iniuriam et subuersionem ecclesiastice libertatis, atque in tocius regni ruinam, animarum periculum et corporum lesionem et alia que per singula narrare non expedit, nos quamuis intencione summa volumus et a prima legacionis huius suscepcione vsque in presentem diem affectauerimus ecclesiastica tueri, et introducere libertatem, et vsque in finem Deo duce nos ad rem huiusmodi continuis seruare et procedere gressibus intendamus, quia tamen post fidem rectam nichil magis elucet in principe quam in iusticia seruare clemenciam, serenitatem vestram in Domino requirimus et rogamus quatinus si non solum vestri sed Dei et ecclesie ac omnium offensores se ad vestrum mandatum inclinare voluerint, vos ob reuerenciam Saluatoris qui pro suis eciam occisoribus orauit ad patrem, misericordiam et clemenciam vestro conspectui proponentes, ipsos clementer admittatis ad veniam et misericordiam regie pietatis.

XIV. *To an adherent of King Henry.*

Benedicimus Dominum Deum nostrum et gaudemus in beneficencia eius, qui personam vestram in mente fideli et luce cognicionis sue atque matris omnium ecclesie sancte deuocione componit, sicut et vestre littere nobis sepius transmissis declarant, et presencium ac ceterorum a vobis veniencium insinuat constans et diligens assercio nunciorum. Ex hiis ergo precipue manens et crescens erga vos nostre mentis affectus pro vobis et pace vestra vos beniuolos et sollicitos reddit, cupientes nobilitatem vestram ad ecclesie matris vestre reconciliacionem et ad plenam cum domino rege Angliae pacem reduci ac in posterum firmiter permanere. Et quidem super hiis sollicite intendentes cum eodem rege et egregio viro primogenito eius de re huius⁷³ tractauimus quos ad omnia, que expedire viderimus, inuenimus in spiritu mansuetudines faciles et benignos; in quo letitia multa repleti parati sumus ad huius rei complementum curam et operacionem nostram interponere diligenter. Que igitur nuncii nostri

⁷⁰ MS. 'peccatorem.'

⁷² MS. 'venerabiliter.'

⁷¹ MS. 'indulgentem.'

⁷³ MS. 'hius.'

latore presente ⁷⁴ nobis ex parte vestra retulerint cum deuocione ac debita reuerencia Dei et ecclesie matris vestre curetis efficaciter adimplere.

XV. *To some person or persons abroad.*

Tempus belli subuertens speciosa virtutum et decorem domus Domini, vsque in sublimitate tectorum et inter nos penates et secreta cubilium fuscans tenebrosa caligine, sacerdotes duxit inglorios et optimates in mutato veracium labio supplantauit⁷⁵. Quibus in regno et gente Anglie⁷⁶ ambulanti- bus in circuitu et obumbrantibus super capita paruulorum, non satis fuit molestos esse hominibus nisi molesti essent et Deo, sic et vbera matris ad iracunda verbera prouocarent, opposcentes nubem vt non transiret benediccio, et gladium exerentes vt non intraret post diem malicie tempus pacis. Deus autem pacis, cuius cogitaciones eorum neque vie eorum vie eius, cogitans meliora pro matre, quam vsque in fine seculorum sanctarum promissionum cirographo subarauit vt esset archa saluacionis regnante diluui- o, insertus est ne daretur in consumpcionem vita fidelium, set respiciens in faciem pie matris salua fieret anima seductorum, et qui sedebat claudus in hac porta templi speciosa, eciam terrena petens ely- mosine suffragia intuens in Petrum, consolidatis in nomine Iesu basibus et plantis, letabundus et exiliens ambularet. Nos vero ad reformacionem etc.

XVI. *To the rebels, perhaps the disinherited in the Isle of Ely [1286].*

Quia sancta mater ecclesia omnium salutem querit ita eciam vt nolentes et fugientes dulci amore insequatur et quibus potest modis salubriter ad se trahat, nos ad omnem regni Anglie temporalem et spiritualem pacem ab ipsa matre non sine nostris et laboribus destinati, totam nostri cordis intencionem ad ea querenda posuimus perque bonum tranquillitatis posse ⁷⁷ cum Dei auxilio provenire; et in primo nostro ingressu omnes qui petierunt reconciliacionem et pacem tanquam desiderium anime nostre iocunde suscepimus, illam non arcantes eisdem sed eciam vltcrius quam peteretur et liberalius effundentes. Cum autem aliquanto elapso tempore vos, qui videbamini pro propria salute et pace silere, in magnis animarum et corporum periculis consistere videremus, considera- uimus quod non satis erat ex parte nostra vos expectare querentes nisi dormientes et negligentes propriam salutem excitaremus, et ex officio materne compassionis, cuius vicarii sumus et nuncii, vobis benignitatem et dulcem affectum sponte et liberaliter offerremus, vos ad illa per litteras nostras duximus inuitandos, quibus responsio vestra successit non talis a filiis qualis a nobis pro dulcedine matris fuit ⁷⁸ transmissa peticio. Respondistis enim tunc inter alia quod statuta siue prouisiones olim factas Oxonie defendere volebatis, credentes vos melius scire de illis quam sedes apostolica, que illas duxerat reprobandas, aut quam nos qui ⁷⁹ auctoritate sedis eiusdem et nostra omnes obseruatores illarum dampnatarum prouisionum excommunicacionis vinculo denunciamus subiacere. Nos vero adhuc plenius volentes bonam voluntatem nostram vobis ostendere misi- mus iterum ad vos cum litteris nostris religiosos viros N ⁸⁰, qui tam per litteras ipsas quam per ea que posueramus in ore ipsorum vobis nostram

⁷⁴ MS. 'presenter.'

⁷⁵ MS. 'supplanauit.'

⁷⁶ MS. 'R. et G. A.'

⁷⁷ MS. 'posset.'

⁷⁸ MS. 'fudit.'

⁷⁹ Omitted in MS.

⁸⁰ Sic MS.

exponerent plenius voluntatem. Qui ad vos venientes non receperunt verba deuocionis⁸¹ aut gratificacionis ad amorem ecclesie matris nostre vel ad nos qui pro vobis laboramus et sollicite cogitamus, set murmuraciones et responsiones duras quas non decebat facere nec licebat a vestra presencia reportauerunt⁸². Litteras eciam vestras per eosdem recepimus inter alia continentes quod nisi congregatis et consultis primum omnibus complicibus vestris, qui vltra et citra mare consistunt, nobis super reconciliacione vestra respondere minime poteratis, quod non tam valde difficile et impossibile et minus incommodum et dampnosum videtur propter more periculum quod imminet manifeste. Hoc eciam apud nos et alios magnam de vobis admiracionem inducit eo quia vos, in tantis animarum et corporum periculis positi, non solum de statu vestro et salute negligitis cogitare, sed fugere visi estis reconciliacionem et pacem ad quam pro vobis summo studio laboramus. Quamuis autem postquam a nobis nuncii prefati recesserant quasi subito aduersa vobis fortuna successerit propter quam humiliacionem animorum vestrorum vos videbatur Dominus inuitare ac dominum vestrum et suos super vos et contra vos erigere fortiores. Nos tamen pro vestro et huius regni statu pacifico frequenter et indesinenter intendimus, nostram ad hoc curam et sollicitudinem imponentes nec timentes pro re huiusmodi quemcunque subire laborem, ad egregium virum dominum Edwardum, illustris regis primogenitum, apud Wyndesorem personaliter accessimus vt circa intencionem nostram ipsius possemus exquirere voluntatem. Et quidem licet dominum regem patrem eius et ipsum semper inuenerimus promptos et paratos condescendere et credere super hiis nobis et aliis bonis viris, modo tamen, quantumcunque Dominus prosperare sua negocia videatur, eundem dominum Edwardum ad pietatis graciam et affectum in spiritu mansuetudinis inuenimus proniorem et ad omnia conueniencia se reddentem facilem et benignum. Respicientes igitur non ad ea que pretenditis, set ad benignitatem Domini et ad pericula que iam accidisse videmus et multo maiora posse contingere formidamus, spirituali et temporali vestre saluti, tanquam filiorum quos in plenitudine cordis amamus paterno affectu, libenter consulimus, quorum aduersitatibus et periculis condolemus, latores presencium nunc eciam, vos destinantes, quibus super hiis que vobis ex parte nostra dixerint, credere velitis, et eadem pro Dei et ecclesie reuerencia pro vestra reconciliacione et salute ac prosperitate recipere fideliter et efficaciter adimplere. Alioquin cum erga vos iam fecerimus quod officium nostrum in hac parte requirit, vltius nequam dissimulare poterimus, quoniam contra vos ex eodem officio, licet dolentes et inuiti, prout secundum Dei beneplacitum et formam matris ac negocii qualitatem expedire videbimus, procedamus.

XVII. *To some ecclesiastics in England who have not heard of the excommunication.*

Venientes de laribus et gremio sancte matris ecclesie ad regni Anglorum pacem et statum quietem et iustum omnium incolarum iuxta ipsius matris ecclesie ac nostram precordialem et intimam voluntatem summo opere conquirendum, et acceptum de manu beatissimi patris domini nostri summi pontificis onus propter Saluatoris nostri et matris nostre

⁸¹ MS. 'deuocione.'

⁸² MS. 'reportauerit.'

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reuerenciam leue sed pro nostris viribus satis graue, qua possumus donante desuper Domino sollicitudine prosequentes, destinatos ad nostram presenciam vestros nuncios et litteras gratanter suscepimus, et vobis de omni bono deuocionis et reuerencia, quam erga Deum et ecclesiam Romanam et ad nos ostenditis, in caritatis plenitudine congaudemus. Sane quia dictus sanctissimus pater, tunc Sabinensis episcopus, apostolice sedis⁸³ legatus, excommunicacionis et interdicti sentencias in certas personas et loca regni Anglie et nominatim in civitatem Londoniam tulerit, manifesta rei publicacio et excursus longi temporis circa gentem⁸⁴ illius regni non adducit presumpcionem ignorancie vel vt dicamus verius non admittit; sed admiracionem forte posset inducere quod res de vicino a tanta auctoritate procedens, et tam publice tanquam sollempniter et pro causis patentibus promulgata, aliquorum de regno illo aures potuerit latuisse. Quia tamen hec ignorasse vos scribitis, quantum in nobis est, ignorantiam vestram nolumus aspernari, deuocionem vestram in eo quod, sicut littere vestre continebant, data vobis noticia, statutum⁸⁵ diuina celebrare aut illis vos immiscere cessastis in Domino commendantes. Quamquam autem misericordias ecclesiastice pietatis saluo Dei timore nostrique officii debito exercere cupiamus in omnibus et ad omnes, quantum extra regnum Anglie et nostre legacionis fines existimus, super hiis que per nuncios et litteras nostras quam possumus congrue procedere non videmus, cum vero celesti pietate duce venerimus, tam super hiis quam super reformacione et consolacione ecclesie vestre ac vestrum omnium et singulorum, non fortitudinis grauitate vel magnitudinis mole prementes, prout cum Dei beneplacito et matris nos mittentis honore poterimus, intendemus, optantes in vestris omnium et singulorum beneplacitis sine diuini ecclesiastici honoris ac officii nostri offensione vos reddere promptos in gratiam et fauorem.

XVIII.⁸⁶ *To Archbishop Werner of Mainz.*⁸⁷

Romanum imperium pro bracio forti ecclesie sancte prouisum, vt sit derelictis sibi pauperibus adiutor et orphanis, sicut ad aliorum tuenda iura dinoscitur constitutum, ita decet omnes et maxime ipsius ecclesie sancte ministros iura ipsius illesa seruare atque ab omnium iniuriis intacta pro viribus custodire. Hoc autem diligenter attendens felicis memorie⁸⁸ Alexander papa iiii vobis presencialiter nobis astantibus edixit inter cetera, vt iura imperii vobis qui estis illius sceptri⁸⁹ membrum honorabile custodire pro posse atque intacta et illesa seruari⁹⁰ ab omnibus curaretis. Cum autem ad hoc tam iuris obligacio quam pastoralis officii debitum et patris monita vos astringant, nos aliquid nostrarum precum et exhortacionis ad dentes paternitatem vestram rogamus in Domino et hortamur, quatinus iura imperii per Conradinum qui de persecutoribus⁹¹ ecclesie a memoria viuencium et vltra duxit originem, aut per alios quoscumque quantum in vobis⁹² est, occupari aut violari nullatenus permittatis laudabili studio cum graciaram accione in Domino gaudeamus.

⁸³ MS. 'se.'

⁸⁴ MS. 'gentis.'

⁸⁵ MS. 'statum.'

⁸⁶ Printed by Karl Hampe in the *Neues Archiv*, xxii. 371 seq.

⁸⁷ Hampe says that the letter is from internal evidence undoubtedly addressed to Archbishop Werner of Mainz, *Neues Archiv*, xxii. 371, note 4.

⁸⁸ MS. 'semel me,' probably for 'fel. me.' i.e. 'felicis memorie.'

⁸⁹ MS. 'septri.'

⁹⁰ MS. 'seruare.'

⁹¹ MS. 'secutoribus.'

⁹² MS. 'nobis.'

XIX. *Probably to the Bishop of Salisbury.*

Sancta religio piis est prosequenda fauoribus que apud Deum pro multis est propiciacio peccatorum. Quapropter religiosos viros fratres ordinis Monte Carmeli Christo pauperi famulantes in altissima paupertate, vt ad domum diuiciarum et glorie ipsius valeant peruenire, sincere in Domino amplectentes caritatis affectu et specialis proteccionis super ipsos et eorum ordinem curam habentes, paternitatem vestram affectuose requirimus et rogamus quatinus, in eosdem vestre pietatis et caritatis intuitum dirigentes, in oratorio, quod sibi apud Brideport cum Dei auxilio construxerunt,⁹⁵ ipsos sine vlla molestia vel difficultate in diuinis officiis agere libere permittatis vt ex hoc diuina misericordia vos merito consequatur.

XX. *To Pope Clement IV. [after 12 June 1266]⁹⁴.*

Regem Anglie multis casibus inuoluta turbacio, sicut graui longeque pestilencie subiecta, decubuit, ita multis et variis studiosis laboribus indigens, dum ad reparacionem salutis intenditur, offert obstacula multa remediis, et male concordia vota concupiscencium animorum contrariam voluntatum suarum itineribus pacem reiciunt, et vsum humani federis ne placens tollatur abusio non admittunt. Sane super hiis que ante hos dies statum dicti regni contingere videbantur sanctitate vestre multiplicatis nunciis et litteris significare curauim. Nunc autem cum temporis opportunitate⁹⁵ facultatem maliciis preparante instarent predarum et cedis frequentia, iacula, et violencia, cui resisti non poterat nisi forcium vix municione locorum, regnum fere totum improuisa occupacione et subitis depopularetur incursibus. Ceptum sollicitudinis mee laborem pro reformatione status huius prosequens cum illorum, qui exhereditati vocantur, duriciam emollire, nunciis ad eos tam episcopis quam in dignitatibus aliis positus religiosisque personis nec non litteris persuasionum et comminacionum prout eis videbatur exigere destinatis ad eos, sepius laborassem, diuina tandem inspirante gracia que finem malis dignatur imponere, cum eterna ipsius desposicio moderatur, rem eo vsque deduxi vt quibusdam ex predictis exhereditatis⁹⁶ magnum inter eos locum tenentibus super ipsorum reconciliacione colloquium habuerim et tractatum, et cum ipsos ad rei perfeccionem nequiuere peruenire, receptis vt cum suis complicitibus loquentur induciis, a mea presenciam recesserunt et certis die ac loco post modicum reddituri. Vt super hiis precedente tractatu secundum celestis misericordie auxilium pacis et tranquillitatis via possit salubriter inueniri, post hec vero ad locum exercitus Regis Anglie contra alios rebelles ipsius congregatos⁹⁷ in castello de Kenilworth proposui me transformare vt de reconciliacione dictorum rebellum et aliis que secundum preteritorum et futurorum consideracionem expedire videro tractem et deliberem pro statu et negotiis dicti regni. Quia in rebus tanta subuersione commotis ad reformationem ipsarum opus est clemencia, non rigore, sanctitate vestre olim pluries et quasi in omnibus litteris meis duxi humiliter supplicandum et adhuc, opportunitate consideracionis eius⁹⁸ isto quatinus prefato regi et eius per vestra scripta sub ea quam elegeritis moderacione suadere dignemini, vt offensoribus suis more nobilium et legitime dominancium se

⁹⁴ MS. 'con construxerunt.'⁹⁵ The siege of Kenilworth began 12 June 1266.⁹⁶ MS. 'oportunitate.'⁹⁷ MS. 'bereditatis.'⁹⁸ MS. 'congregato.'⁹⁹ MS. 'ius.'

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misericordes exhibeant et clementes, ne forte in vitiores scelerum iram suam conuertat Dominus propter misericordiam petentibus denegatam.

XXI. *To the College of Cardinals [at the beginning of September 1266]*⁹⁹.

Datum¹⁰⁰ a Domino signum in bonum cum regnum nostris commissum laboribus intrauimus, qualiter olim per singula vsque in presens processerit in euentum, destinate a nobis pagine plenius indicarunt. Et quidem per varias sollicitudines anxiosque labores intra illius terre vertigines et incertas ac promptas in odium et discordiam voluntates multipliciter agitati¹⁰¹ dum peragrata regione per loca et habitatores ipsius, de quibus querende pacis opportunitas exposcebat, de pace regni et omnium tranquillo et bono statu agere non omisimus, ac pro eo sequi viribus nitentes¹⁰² et studio vigilanti. Sane quamquam dierum preteritorum malicia in mentibus hominum terre illius nec pacem admiserit nec salutem, nunc cum pietate celesti signum ad meliora prestante succedit, elaboratis et erutis quasi de terre visceribus et profundo maris studiis, intendens in Deum et expectans consolacionem a Domino confortata fiducia, quod de prelatorum quorundam et baronum ad hec specialiter electorum prudentia et voluntate bona pax et concordia et tocius rei ordinacio feliciter subsequetur, cuius rei formam et processum ex hiis que domino nostro scribimus poteritis plenius intueri.

XXII. *To the Chapter of Worcester [at the beginning of September 1266]*¹⁰³.

Instancia cotidiana omnium sollicitudo ecclesiarum quam mater ecclesia super filias accepit Domino cum plenitudine potestatis, a nobis in partem sollicitudinis ad regnum Anglorum et ecclesiam destinatis ab ipsa omnium matre suscepta, licet nostris humeris vix ferenda, nos opportune¹⁰⁴ vocat et importune compellit vt ecclesiarum integrum et salubrem statum totius nostre diligencia prosequentes, non solum preterita vel presenciam grauamina remouere sed eciam futura prohibere, quo possumus attento nostre consideracionis studio laboremus. Sane cum sanctissimus pater, dominus Clemens pape iiiius, tunc episcopus Sabinensis, apostolice sedis legatus, in quondam S.¹⁰⁵ de Monteforti, Comitem Leycestrie, ac nonnullos regis¹⁰⁶ Anglie barones et alios eisdem adherentes et omnes alios qui eis prestarent auxilium, consilium, vel fauorem, excommunicationis sentenciam ipsorum manifestis culpis exigentibus mediante iusticia promulgavit, et omnium predictorum terras necnon omnium aliorum¹⁰⁷ qui ipsis prestarent consilium, auxilium, vel fauorem ecclesiastico supposuerit interdicto vos tamen sicut ad nos multorum fide dignorum relatione peruenit, civitate Wigornensi ex adherencia, auxilio, consilio et fauore comiti et baronibus Anglie predictis exhibitis prefato supposito interdicto huiusmodi, publice ac sollempniter diuina officia celebrastis. Quapropter future ecclesie vestre dispendiis que possent ex diutine vacacionis et improbabilis eleccionis discrimine prouenire ac vestris

⁹⁹ The election of the twelve barons and bishops was settled on 31 Aug. 1266; cf. *Flores Historiarum*, ed. Luard, iii. 12.

¹⁰⁰ MS. 'Natum.'

¹⁰¹ MS. 'agitatus.'

¹⁰² MS. 'nitentis.'

¹⁰³ Walter de Cantelupe, bishop of Worcester, died 12 Feb. 1266 (Stubbs, *Reg. sacr. Angl.* 2nd ed. p. 58). The chancellor Nicolas, archdeacon of Ely, was consecrated bishop of Worcester 19 Sept. 1266 (Stubbs, *op. cit.* p. 63).

¹⁰⁴ MS. 'oportune.'

¹⁰⁵ MS. 'M.'

¹⁰⁶ MS. 'regi.'

¹⁰⁷ MS. 'omnes alias.'

laboribus et pressuris, qua possumus industria, occurrere satagentes, vniuersitati vestre, qua fungimur auctoritate, districcius inhihemus ne vos, quos ex causis predictis constat esse suspensos, ad eleccionem episcopi in ecclesia Wigornensi nunc pastore vacante absque nostra licencia vel speciali mandato procedere aliquatinus presumatis. Nos enim ex nunc irritum decreuimus et inane si quod contra hanc inhihicionem nostram a vobis vel aliis quibuscunque contigerit attemptari.

XXIII. *Probably to the Archbishop of Canterbury [September, or early in October, 1266]*¹⁰⁸.

Dulcitusudo pacis omnia condecorans, de regno Anglorum exulans, vtrumque sibi positum Christianorum genus, ecclesiasticum videlicet et seculare, sic desolauerat¹⁰⁹, deliquerat, extra debitos fines eiecerat, vt a summo in ynum per media in nichil existeret, quod sese infra suos terminos conciueret. Sane dum talium audicione commota sacrosancta Romana ecclesia, apertis super gentem ipsius regni visceribus et super filios inelitos et amicos aure fidei maternos dilatans sinus, nos ad reformationem deformati corporis destinasset, in tantum onus assumptum omnium virium nostrarum exercitacionem eo vehementius aperire studuimus¹¹⁰ quo nos ad tanta impares censebamus¹¹¹. In eum nostre mentis et spei consideracionem secundum datum nobis ab ipso perspicacitatis modulum dirigentes qui vltra spem et vota hominum audit, et perficit desideria supplicum, et excedit benignitate donandi omnem excellenciam meritorum, huiusquidem materiam exposcentes adquerende pacis, vestigia curauimus nostrarum cogitacionumque et operacionum molimina congregare, nichil quoque iuxta permissam nobis a Domino industriam omittentes, discriminibus variis corpus nostrum et spiritum nocturnis et diurnis afflictionibus committentes, ita vt questum pacis cum omnium laborum et meditacionum pondere nobis in delicias et requiem pensaremus. Accepto igitur de gracie diuine munere signo in bono prodiit post labores multos, quasi ex luce serenitatis data est benignitas Domini super consilium pacem querencium animorum factumque est vt per dominum regem illustrem et ceteros regni barones, electis duodecim viris ecclesie dignitatis et status iiii. sanctis episcopis et octo ex baronibus, prudentia circumspectis et experientia comprobatis, ad tractandum de uniuersali pace regni et statu exhereditorum et ceteris ista contingentibus, sit de hiis eorum dispositioni et ordinacioni commissum; nos quoque vna cum viro egregio Henrico serenissimi principis domini Ricardi Romani regis filio, si quid ex ordinacione xii. predictorum remaneat, quod perfeccione vel immutacione forsan indigeat, nostro debemus iudicio conformare. Quoniam autem conuenientibus prefatis episcopis et baronibus apud Couentriam ita pium Dominus parauit inicium cause sue vt de venture pacis pulcritudine iam speret, ac dicti ordinatores¹¹² in proximo venturo festo omnium sanctorum ordinacionem suam debeant promulgare. Nos attendentes vestram et aliorum prelatorum per viam honestatis non modo vtilem sed et necessariam esse presenciam, vt tocius corporis Anglicani sanitas et gloria coram oculis videntibus proponatur, et si quid deesse contingeret, tantorum et tot consiliis et presidiis adiuuetur, atque in cuius

¹⁰⁸ Ottoboni summons the council at Coventry for 25 October. ¹⁰⁹ MS. 'desolant.'

¹¹⁰ MS. 'studimus.'

¹¹¹ MS. 'consebamus.'

¹¹² MS. 'ordinaciones.'

boni exultacione pastorum congregacio ad diuine maiestatis gracias vnanimi gaudio spiritualis consolacionis assurgat, paternitatem vestram rogamus, monemus et hortamur in Domino, vobis auctoritate qua fungimur firmiter iniungentes, quatinus viii. kalendas Nouembres apud Couentriam vos personaliter conferatis, vbi per vos et alios prelatos ac ceteros ad negocium huius conuocatos pax et ordinacio que de beneplacito diuine pietatis exierint¹¹³ generali approbacione ac firmacione sollempni constantius roborentur¹¹⁴.

XXIV. *Probably to the Archbishop of Canterbury [May or June 1267]*¹¹⁵.

Iniuncti nobis officii debitum ad pacem et tranquillitatem regni ac singulorum statum pacificum precipue vero ad animarum salutem sollicitè perquirendum exponere cupientes, ad hec ante hos dies, qua potuimus industria, quibusque credidimus expedire consiliis, curam apposimus diligentem, verum antiqui hostis insidias pacis et pietatis viam inquiete malignitatis astuciis attendentes ita nostre sollicitudinis laboribus obstitisse comperimus, vt detrimenta boni pacifici et formidabilis dissensionis augmenta de die in diem vehementius non autem generalis subuersionis periculo sensiamus. Quapropter celeste implorantes auxilium et ad omnia que pro pace et animarum salute inueniendum officium nostrum respicere videantur, cogitacionis et operacionis nostre diligenciam pro viribus exercere volentes, venerabilium patrum episcoporum, ceterarumque personarum ecclesiasticarum, quibus pars huiusmodi oneris ex officio dignitatis et status incumbit, auxilia et consilia decreuimus implorare, vt¹¹⁶ vna cum eis sub spe diuine miseracionis et gracie donum pacis ab Omnipotente recipere mereamur. Quocirca paternitati vestre, qua fungimur auctoritate III^{us} quatinus in crastinum beati Johannis Baptiste ad nos personaliter, aut si ineuitabili impedimento detenti fueritis, per procuratores ad omnia sufficienter instructos, venire curetis, vniuersis autem abbatibus, et prioribus abbates proprios non habentibus vestre ciuitatis et diocesis, necnon ecclesie vestre capitulo, ex parte nostra per vos vel alium districcius iniungatis, vt ipsi abbates et priores, qui exempti sunt personaliter, non exempti vero, per vnum ex seipsis ad capitulum ipsum per decanum vel vnum ex archidiaconis suis, qui ad omnia sunt sufficienter instructi, dicto termino ad nostram presenciam studeant se conferre super premissis auctoritate Domino salubris et opportuni consilii nobis remedium impensuri.

XXV.

Licet humani generis auctor et custos paciatur interdum quod hostis hominum maliciam suam exerceat in subuersionem populorum et concusionem appetere temptet gencium et regnorum, pie tamen respiciens super afflictorum misericordiam animam seruari iubet quorum os et animam tangi permisit ab antiquissimo¹¹⁷ suggestore. Sensit diebus proximis Anglorum¹¹⁸ inclitum regnum inimici huius insultum latentem insidiis et ob falsam¹¹⁹ virtutis et pacis ymaginem¹²⁰ molitur quasi de luteis¹²¹ latibulis erumpentem. Sensit et pii redemptoris opem, qui de valido vehementis

¹¹³ MS. 'exierit.'

¹¹⁴ MS. 'roboretur.'

¹¹⁵ Ottoboni summons a council for June 25.

¹¹⁶ MS 'et.'

¹¹⁷ MS. 'anquissimo.'

¹¹⁸ MS. 'angelorum.'

¹¹⁹ MS. 'falsa.'

¹²⁰ MS. 'imagine.'

¹²¹ MS. 'luteris.'

turbacionis incursu ad agnitionem veritatis et desideria pacis deceptos ab illudente reuocauit errore, docens non frustra corripit, quos ipse non despiciit, et se diligere filios quos castigat. Sensit et matris ecclesie sollicitam et turbatam erga plurima pietatem ab auditu captiuitatis filiorum exorbitantium a doctrina et ducatu cecorum tenerrime formidantem, que de apponendis intenta remediis angelos pacis et consilii pro diuersa temporum qualitate dispensat, vt cibum quod libenter vescatur recipiat de manu prudentium¹²² et fidelium venatorum; et nos igitur, quos licet tanto inaequales oneri tantoque insufficientes¹²³ labori, ad prefati regni releuacionem ipsam mater ecclesia destinauit. Intendentes quo possumus et molientes pariter quo debemus omnes et singulos, quos in nequicia et errore comperimus, ad viam bonam et rectam iuxta datam nobis a Domino racionem studuimus reuocare—&c.

XXVI. *To Pope Clement IV.*

In omnibus que sunt¹²⁴ mihi requisita¹²⁵ ad opus errantium in terra desolantium, ad cuius onera supportanda me vestra sanctitas destinauit, quot et quales mihi labores ingesserit, quibus me pectoris et capitis anxietatibus coartarit est quidem experiendi nocius et ferenti pondus quam narracio vel scriptura, que singula exarare non sufficit, possit legentis aut¹²⁶ audientis conspectui vel auribus indicare. Quantum vero hiis posse datur, hactenus satis et sepius ad beatitudinis vestre noticiam scriptorum series pertulit, et nunciorum instructa pericia studio mee sollicitudinis intinuit. Sed vltra hoc perspicua sancte consideracionis sublimitas cui non sufficit quod est ante oculos intueri nescio que sit¹²⁷ nisi lecta ex lectis et ex auditis nisi audita perpendens congruos rebus fines lacius intuetur. Composita sane laborum sarcina de immensitate ruine que nec medenti spem salutis nec leuanti surgendi fiduciam quibuslibet auspiciis ministrabat. Fructum quem morbi duricia seua non protulit, set maiore in oracionum iusticia vestra in alto confixarum eruta celestis miseracionis propiciacio condonauit, in conspectu missi agricole iam ostendit qui duplicato¹²⁸ et vtinam de superna pietate mensuro¹²⁹ talento suspirat in requiem iam luce orta putans in vanum surgere, qui sedens, ymo discurrens, aquas de torrente sollicitudinis bibit et panem angustio manducauit. Et quidem effrenas maxillas duramque ceruicem dum ad horam conquiescere video et aspicio non se effrentem ignis ardorem, non michi restat quo tuciore loco reponam seruandum mee spei depositum quam in miserante qui dedit in vestrarum precium¹³⁰ et manuum eleuacionis mundicia que ad saxorum munimenta conscendens violenter inde rapuit quod humiliter flagitauit. Duo hii dignentur adesse vinee culte vigiles et telluris eruderate custodes. Cuius totum quantum ea que in me est preualuit fortitudo, sanaui et erexisse videor multarum ereccione precium universorum. Quod autem pacis emulus et sancti depopulator amoris sedeo in insidiis mouens caudas adhuc fumigantium uiciorum, quod timorem sedicionis malum prefert gentis illius leuitas que densis agitata turbinibus diu conceptum et editum late dolorem per vterum iniquitatis effudit, et cotidianis iactibus quasi cohartante spiritu concluso eructuare molitur, quod opertos carbones excitat in flammis spiritus

¹²² MS. 'prudentum.'

¹²³ MS. 'insufficientis.'

¹²⁴ MS. 'sua.'

¹²⁵ MS. 'requies.'

¹²⁶ MS. 'autem.'

¹²⁷ MS. 'scio quia.'

¹²⁸ MS. 'duplato.'

¹²⁹ MS. 'mansuro.'

¹³⁰ MS. 'precum.'

seductoris, de celo est potestas sublimia concordans que ex toto hec possit comprimere vel auferre. Non est hominis nisi eius qui Deus est puni-
atum alligare solutum, interruptum concludere, redintegrare contractum,
quibus si quid me addere posse considerem, adhuc paratus in omnia, non
recusato labore dorsum oneribus incuruarem. Prope igitur aspiciens
tempus vt conuertar in requiem et veniam reuisere faciem patris mei et
sepius optata pedum oscula beatorum actu ipso contingere, atque vt in
lares proprios et sinum matris redeam peregrinus vbi michi labor est
requies et vincula quelibet fastigium libertatis, teste michi apud
alienos conquisita multiplicacione que capud intempestiua congerie
variavit, clemencie vestre supplico iterum humiliter et deuote quod
de reditus mei licencia, si nondum a vestre benignitatis gracia
forsitan emanauit, alias postulata, sic celeriter michi proinde dignemini vt,
cum ad hoc me iam ceperim gaudio spei et voluntatis studio preparare,
tempori ad iter congruo ipsa concurrens licencia se coaptet. Adhec de
viro egregio, regis filio, bone voluntatis, accionis pie, nobilitatis strenue
fideique deuote, penes sancte paternitatis vestre animum non sine
attestacione multorum testimonium in consciencie sinceritate deponens,
eundem, qui signum crucis in terre sancte subsidium deuote suscipere
intendit, precordiali affectione in Domino recomendo, supplicans vt qui
Deo et Christo eius vult humiliter abnegare seipsum sanctum dominum
et vicarium Christi propiciam et benignum inueniat adiutorem.

XXVII. *To King Louis IX.*

Nouit et attendit paternitatis vestre consideracio qualiter inclitum
regnum Anglorum, magnum tam in temporalibus quam in spiritualibus
ecclesie membrum, fide ac deuocione secundum, diebus proximis, quorum
adhuc malicia non quiescit, turbatum fuerit et subuersum. Et quidem
gracia diuina prestante multa post ingressum nostrum requies non modo
ecclesiasticis verum etiam secularibus personis et rebus adueniens, si ab
extrinsecus venientibus malis sollicite non ¹³¹ defendatur, et tanti scitis
formidanda esse venena ¹³², et tenera ¹³³ cicatrix a malis iuxtapositis et adhuc
feruentibus non segura, per extrinseca facile turbari valeat, et in pristinam
plage materiam suscitari. Proinde cum regnum prefatum, sicut intra
sinum matris ecclesie regnum Francorum iuncta facie respicit, ita fraterno
in fide, caritate, cunctisque auxiliis, affectu ipsius respicere debeat et
fouere. Maxime autem per eos quos ipsa mater ecclesia pro se et pace
fidelium nostrum misit ¹³⁴, volumus vestram prouidenciam inuitare vt
omnia hiis aduersancia per sapientie vestre sollicitudinem reprimatis, vt,
quasi extenso vsque ad nos brachio vestro, gaudeat mater que nos misit
quod per mutuam auxilium commissa fidelia feliciter gubernentur.

XXVIII. *To the rebel leaders.*

Redeuntibus ad nos venerabili patre in Christo Exoniensi episcopo ac
prudente viro priore Hospitalis Ierosolimitani in Anglia nunciis nostris,
receptis quoque litteris vestris, letati sumus in Domino quod voluntatem
vestram ad ea, que sunt in honore ac reuerencia domini regis et reconcilia-
cione vestra, confidimus inclinari. Propter quod studium laborum et
cogitacionum nostrarum hactenus pro vobis habitum libenter et cum
omni sollicitudine ad promptum et bonum vestri status et reconciliacionis

¹³¹ MS. 'nos.' ¹³² MS. 'venosa.' ¹³³ MS. 'tonera.' ¹³⁴ Omitted in MS.

exitum ampliamus, probitatem vestram rogantes et hortantes in Domino quatinus cuncta, que ad effectum tante utilitatis vestre ac tocius regni tranquillitatem pertinent, vestris animis amplectentes, ad ea, vestrorum cordium affectum et efficaciam apponatis, et illi ex vobis, quos ad nostram presenciam pro huiusmodi rei tractatu duxerimus euocandos, ad nos sub secureconductu domini regis ac filii sui primogeniti, quem obtinebimus per litteras eorundem, venire studeant, sic voluntarie et parati vt, prestante Domino qui est pacis amator et auctor, propositum nostrum circa hec ad optatum finem perducere valeamus.

XXIX. *To the people of England.*

Dominus noster et Deus noster, saluator humani generis Ihesu Christus, terram sanctam natiuitatis et conuersacionis, passionis et sepulture ac resurrectionis sue, gracia, miseracione et gloria decorauit. In qua vivens et apparens hominibus ad uniuersum orbem terrarum redemptionis sue misericordiam dilatauit. Post hec in celis regnans, vnde ad visitacionem nostram descenderat, respicit in terram illam suo sanguine consecratam, et videt canes immundos, blasphemos crucis et sui nominis inimicos, ambulantes et conculcantes illam, in execracionibus suis celestia munera et loca sanctificata fedantes abhominacionibus impietatis, et Christiani nominis professores miserabilibus exterminis trucidantes.¹³⁵ Vocat ergo Saluator noster ad omnes, qui se recognoscunt ab ipso redemptos, vt videat si est intelligens ad eum, si est qui reputet iniurias que sibi a nefandis et horrendis hostibus inferuntur. Vocat eciam sancta mater ecclesia deuotos filios et fideles et eos incomparabilibus inuitat muneribus que reliquit in thesauris eius dispensacio Redemptoris, et relinquit peccata multa hiis qui multam diligunt et currunt ad illius terre subsidium opportunum, sicut per apostolicas et nostras litteras iam late apud vos credimus diuulgatum. Licet autem moniciones et exhortaciones nostras ad vos per legitimos viros diebus hiis duxerimus destinandas, quia tamen merito res ista nos¹³⁶ angit, et debet omnium fidelium mentes pia compassione distringere, nobilitatem et sinceram fidem vestram rogamus et monemus in Domino et, quibus possumus partibus et instancia, flagitamus quatinus ad tantum et tale Saluatoris obsequium vos viriliter attingentes, et veloci cursu rebus sanctis et donis Dei succurrentes, animosa virtute signum viuifice crucis in ipsius terre sancte subsidium assumatis. Quicumque vero iam sumpserunt aut sunt, inspirante Domino, assumpturi, sic prudenter cum yleri celeritate se preparent vt eum, pro cuius amore id faciunt, vere non fecte diligere videantur, et in proximo generali passagio, cum mandatum acceperint, iter arripiant¹³⁷ ad misericordiam¹³⁸ peragendum.

XXX. *Probably to some friend abroad.*

Sol iusticie Christus Dominus illuminans mirabiliter vt non possint ad sapientiam eius set turbentur hii, qui in corde alto non sapiunt solem hunc, cum magis ascenderint, exaltari, annunciat de ea amico suo quod possessio eius sit et ad eam possit ascendere, si ambulauerit in corde humili et gressu pacifico, et¹³⁹ dulce lumen et delectabile oculis videre, solem quasi aduena silens et quasi peregrinus secretorum admirans, non

¹³⁵ MS. 'crucidantes.'

¹³⁶ MS. 'non.'

¹³⁷ MS. 'arripiant.'

¹³⁸ MS. 'misericordia.'

¹³⁹ Omitted in MS.

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minuens maiestatem. Quomodo sane Anglorum terre sol iste splenderit a diebus antiquis, et super incolas eius gratiam sancte benedictionis effuderit, indicat plenitudo fidei, sciencia veritatis, errorum eliminatio¹⁴⁰, cultusque sacrorum, et ad decorem domus Domini feruens et deuota dileccio crescens in templum sanctum in Domino et in obsequio rationabili fructum exhibens in tempore suo, ita vt hiis, qui precesserant, quasi supergrediens in admirationem daretur, et posteris esset in luce candelabri speculum et exemplar. Qualiter vero diebus proximis obtenebrato sole aurum non refulserit optimo colore mutato, et preualens potestas tenebrarum columpnas medias forti et terribili agitatione concusserit, extendens manum in patres et pastores gregum principibus et optimatibus supplantatis, et ponens preuaricationem et furorem in oculis attonitis et magna cogitantibus in corde alto, vt auerterent se ab aspectu matris, que ipsos genuerat sponso celesti, pane cotidiano cibauerat, et vitalibus nutriuerat alimentis, videntes vident, et intelligentes intelligunt, et fructum malicie plurimi comederunt in amaritudine anime sue, et ex eis plurimi simplices et insontes, ac nondum fine imposito diebus malis mouetur afflictione vniuersa terra hec, et paratur vsque ad¹⁴¹ triste flagicium pie ac misericorditer deplorandum. Et quidem cum ex primo doloris auditu viscera matris ecclesie de talium filiorum errore doloris gladius pertransisset, misit ipsam manum ad forcias, tollens de gremio suo electum ex milibus virum sanctum et reuerendum, tunc Sabinensem episcopum, quem pro reuelacione collapse materie et reuocacione filiorum errancium commisso¹⁴² sibi plene legacionis officio destinauit. Hic autem veniens vt iacentem sanaret¹⁴³ egrotum, cum delusus¹⁴⁴ per insidias regis superborum super apportata sedentis bona et sancta sollicitudine non intrasset, tandem sublimiore iudicio ad maiora carismata reseruatus et de parte oneris assumptus in plenitudinem potestatis, opus, in quo laborauerant manus eius, quadam attentiore cura complectens, nos, licet inuitos et tanto impares oneri, ad laborem quem temptauerat duxit e vestigio destinandos. Cum autem, diuina comitante gracia et respiciente super contricione regni et ecclesie Anglicane, terram motam a facie tempestatis fuissemus ingressi, proposuimus ante oculos nostros vt eorum, que male posita fuerant, vnumquodque iuxta datam nobis a diuina pietate industriam ex officii nostri debito ad suos terminos duceremus.

XXXI. *To the Archbishops of Ireland [August 1267].*¹⁴⁵

In opus Domini datum sancte matris ecclesie ministerium vt edificet et destruat, euellat et plantet, aream congregans absque indicio secretorum et custodiens illam in manifestacione censure, ita propinquos respicit, vt remotos quoque filios amplectatur, neutros ab vtero alienos reputans quos pari semine concepit, dolore peperit, et peruigili studio lactis et panis alimentis salubriter educauit. Quin etiam celestibus oculis eleuatis a terra, loca¹⁴⁶ propinqua vel distancia non distinguens, esse preciosum videt eligens quod est fide preclarum, quod caritatis ignibus inflammatum. Sane hiis electiuis oculis super ecclesiam et gentem fidelium Ybernorum respiciens, ipsa mater ecclesia et inter peculiare filios ipsos annumerans,

¹⁴⁰ MS. 'eluminacio.'

¹⁴¹ MS. 'quam.'

¹⁴² MS. 'commispos.'

¹⁴³ MS. 'sanare.'

¹⁴⁴ MS. 'delusa.'

¹⁴⁵ Ottoboni summons the archbishops to appear with their suffragans &c. in the next month of September on St. Michael's day.

¹⁴⁶ MS. 'loco.'

veluti fidei sinceritate feruentes et multa spiritualium bonorum claritate dotatos, eos olim ad medelam vel consolacionem pro tempore opportunam¹⁴⁷ sepe amoris sui dulcedine visitauit. Quod quidem materna sollicitudine prosequens et cotidiana instancia non omittens, nos licet inuitos et oneri¹⁴⁸ pro laboris magnitudine non facili nostros humeros submittentem¹⁴⁹ ad ipsos commisso nobis ibidem atque in Anglia, Scotia et Wallia plene legacionis officio destinauit. Quia vero Anglie regnum in tempestate ac turbine miserabiliter constitutum nos ad reuelacionem suam nunc vsque detinuit et recidiuis morbis prout animo gerebamus nequiuimus exhibere. Quapropter super multorum reformatione que tam in regno Anglie quam in partibus vestris maxime circa spiritualia non modicum expedit exhiberi, propter quod vestra presenciam et consiliis indigemus, paternitatem vestram monemus, rogamus et hortamur¹⁵⁰ attente vobis qua fungimur auctoritate¹⁵¹ in virtute obediencie ac sub pena suspensionis, quam ipso facto incurratis si mandatum nostrum neglexeritis adimplere, pro reformatione huius ac pro vestre et precium vestrarum bono statu, quem sincere mentis studiis insectamur, districte precipiendo mandantes, quatinus vos, patres archiepiscopi, associatis vobis singulis suffraganeis vestris personalter, ceteri vero per vnum aut duos prelatos vel alios procuratores ydoneos et solempnes, ad festum beati Michaelis Archangeli, quod erit proximo futuro mense Septembris, ad presenciam nostram ac dilacione postposita veniatis, alioquin ex tunc contra vos ad alias penas secundum datam nobis specialem a sede apostolica potestatem, prout expedire videbimus, procedemus.

XXXII. *To King Henry III.*

Dilectum et graciosum in conspectu matris ecclesie inclitum Anglie regnum in rectitudine fidei et sinceritate deuocionis matris alimenta cognoscens, et sub vmbra illius in produccione bonorum fructuum suauiter requiescens, sicut amoris dulcedinem in tempore bono in diebus pacis accepit, ita diebus malis et in tempore desolacionis de ipsius matris sollicitudine compassionis affectum et releuancia sensit auxilia, de quibus olim multa pacis et salutis prouidente Deo remedia processerunt. Sane in desolacionem ipsius regni que ante his¹⁵² diebus gentem ipsam commovit et variis turbacionibus agitauit inter multa excogitata suffragia dirigens sancte consideracionis intuitum, ipsa mater ecclesia nos ad regnum illum, quasi ad vineam electam quam in dextre Domini virtute plantauit, de gremio suo mittens onus graue super humeros nostros imposuit commisso nobis legacionis¹⁵³ officio, in quo ad reuelacionem collapsi regni et perturbate gentis manum sollicitudo nostra supponeret et attentum nostre diligencie studium vigilaret. Nos autem onus aspicientes quamuis arduum et multis perplexitatibus inuolutum per bonum obediencie matri ecclesie parentes humiliter, et in spiritu compassionis ad regnum illum quod sincere diligimus nostra viscera commouentes, et difficile pondus assumptissimus, et postpositis ceteris nostre mentis intencionem coaptauimus oneri perferendo, propositum nostrum totis cogitacionum et operacionum nostrarum viribus a principio vsque in presens iuxta datam nobis a Domino gratiam prosequentes. Verum cum abyssus iudiciorum aliter futura

¹⁴⁷ MS. 'oportunam.'

¹⁴⁸ MS. 'oneris.'

¹⁴⁹ MS. 'sit mittentes.'

¹⁵⁰ MS. 'pa. v. mo. ro. et hor.' ¹⁵¹ MS. 'au.' ¹⁵² MS. 'hos.' ¹⁵³ MS. 'ligacionis.'

disponens quam possit mens humana statuere, gentis huius et regni condicionem multorum exigentibus peccatis, in partem ire sue quasi misericordie Dominus oblitus euerterit, iam abiecto Dei timore, igne fidei et caritatis extincto, matris ecclesie deuocione sepulta, regis et federis societate soluta, veritatis et iusticie tramite declinato, et confuso in omnibus ordine, prophanantur diuina et sancta, maculantur spiritualia, diripiuntur ecclesiarum bona, aliena quasi propria vsurpantur, effundatur sanguis innoxius, et sine auctoritate potestatis et iuris ordine iudicium agitur, et gladius exercitetur, et truncato pacis et iusticie brachio dicitur bonum malum et malum bonum, lucem tenebras et tenebras lucem ponunt et menciuntur in tenebris ambulantes. Propterea nos inter hec discrimina ergastula constituti ¹⁵⁴ spei nostre oculum ad omnipotentem Deum erigentes, qui post caliginem tenebrarum dat spectacula serenitatis erumpere de ipsius beneplacito, fidelium et iustorum mentes et opera in auxilium et succursum nostri officii, quod ex predictis malis est multipliciter alligatum, quibus possumus largicionibus, studiose requirimus et leuatis vocibus inuocamus. Nos enim omnibus vere poenitentibus et confessis, qui ad nos personaliter accesserint nobis ad pacem et reformationem regni auxilium et consilium impensuri, auctoritate nobis a sede apostolica super hoc specialiter concessa omnium remissionem concedimus peccatorum. paternitati vestre eadem auctoritate mandantes quatinus subditis vestris locis et horis ad hoc competentibus id studeatis publice ac sollempniter nunciare.

XXXIII. *To Pope Clement IV.*

Sicut egrotarium ¹⁵⁵ passio incessanti dolore concuciens successiuis eiulantibus cedere nescit, donec ad remedium ducitur vel ad mortem, ita hominum terre illius cuius in medelam datus a sanctitate vestra laboro subuenire languoribus. Sibi succrescit et exaggeratur iniquitas vtique, vix ad remotos dirigende noticie sufficientibus nunciis vel scripturis ymo impossibile sit vt cotidie, sibi velut vndis maris in turbine succedentibus, certa nunciatio de longinquo subseruiat ¹⁵⁶ quibus presencium cogitacio vel inspeccio ipsa non sufficit, cum iam se prementibus vna vni coniungitur et per eas incessus etiam spiraculo denegatur. Et quidem data ¹⁵⁷ in bonum signa, que quouis auspicio maris et terre tranquillitatem in hiis, qui contra regnum tenebant mare in nauibus et castrum munitissimum in medio regionis, victoriosa et verisimili sponsione promiserant, prout mea in dominacionis vestre noticiam scripta sepius protulerunt, ita in vanum quasi ante lucem surgencia conceidisse videntur, vt velud egri somnia mera ¹⁵⁸ et umbra nubis vento impulsa validissimo nil producant. Quibusdam namque sublati, dum viget pestis interior que auferri non potest, salus inutiliter procuratur. Sic ¹⁵⁹ est mala voluntas in cordibus singulorum detrimentis ita spiritum euacuauit a bonis, vt erga ecclesiam et ecclesiasticas personas et iura nulla religio vel deuocione pretendatur, maxime vero in prelatiis et clericis qui preteritis confracti oppressionibus nouas deplorant, et ita et aperte detracciones et susurria de corde malo eructancia prolabantur. Sic praua est generacio et exasperans p. s. et infi. ¹⁶⁰ vt timeri possit quod quasi a Deo despecti frustra corripi videantur. Illusi

¹⁵⁴ MS. 'constitui.'

¹⁵⁵ MS. 'egretarius.'

¹⁵⁶ MS. 'subseruat.'

¹⁵⁷ MS. 'datam.'

¹⁵⁸ MS. 'sompnera.'

¹⁵⁹ MS. 'hec.'

¹⁶⁰ Sic MS.

enim a suggestionibus¹⁶¹ pravis et indurati in illis, animum applicari nequeunt, ymo et aures auertunt, cum audiunt veritatem, quos vexacio amissionis temporalium perturbavit, et opprimit desperacio resurgendi. Ex hiis et aliis que singula referri non possunt ecclesiarum depredaciones et in rebus ipsarum violencie tam ab hostibus quam ab hiis qui videntur esse amici clam et manifeste procedunt, et ex omni parte regionis sediciones, insidie, doli, coniuraciones, et nefarie facciones insurgunt, et quasi de conquassata materia ab ymis sedibus frequenter audiuntur crepitus et subite moniciones. Omnibus autem et singulis prolapsis in malum, dum causa male voluntatis auferri non potest, vix auferri poterit et causa, tum¹⁶² inter hec anxius, dum ad bonum opere et cogitacione laboro, mala volentibus odiosus efficior, et si a cunctis deficerem et silerem, infestum me facit illis figura et nomen officii quod pretendo, et quod in reuerenciam et deuocionem solet fideles adducere ipsos, in odium animorum et obcecacionem linguarum trahit auditum matris ecclesie dulce nomen. Super hiis ergo intendat paterne sapiencie ac prudencie altitudo consilia et remedia salutis apponere que de celestis fonte consilii et misericordia patris eterni poterit deriuare. Que diligenter attendens vestra clemencia et que videbuntur vtilia superaddens, omnem moram que super hiis periculosa est dignetur excludere, michi noctem obscuram illuminans suis consiliis et mandatis qua se multi¹⁶³ illius regni et gentis in omni condicione, sexu, statu, et professione sunt miserabiliter inuolute.

XXXIV. *To Alexander III, king of Scotland.*

Dum preteritorum exempla reuoluimus et antecessorum vestrorum in fide ac reuerencia erga matrem ecclesiam preclara merita recensemus, gaudemus in Domino, et in habundancia sue misericordie delectamur, qui benedicciones suas et agnicionem fidei et deuocionis ardorem in sponsam, que corpus suum est, cuius ipse est caput, effundit super gentes et regna, vt interdum fecundius influat super ea, que a matre omnium fidelium et ecclesiarum capite, sacrosancta Romana ecclesia, maiore locorum distancia separantur. Sane hanc deuocionis et fidei claritatem in pectore vestre serenitatis aspiciens ipsa mater ecclesia, et personam pariterque honorem vestrum multa gracia dileccionis amplectens, sic vt nos haberet erga vos sui sequaces amoris, ymo quod licenter scribimus, nos inter alios sedentes in eius gremio, potest in vestri nominis et honoris dileccione preferre, ita ipsius reuerencia et nostra in vos affectio specialis magnificencie vestre animum erga nos et commissum nobis officium inclinare merito debuerunt. Propterea siquidem non sine admiracione loquimur et cum quadam turbacione notamus, quod cum ad partes vestras super hiis, que ad ipsum spectant officium, speciales nuncios nostros absque magnis ecclesiarum vel personarum oneribus duxerimus destinandas, primo sine mandati nostri execucione penitus vacuo redeunte, secundus¹⁶⁴ non inueniens plus graciae vel amoris, inter cetera que passus est, comminaciones inferende mortis ab aliquibus nunciis vestre serenitatis accepit. Quod eo amplius mentem vestram ledere debet, et nostram quo per vos, sub quibus debuit quiuis eciam maleficus omnis libertatis securitate gaudere, nobis, qui eum misimus, irrogata videtur iniuria, ita eciam cum eo actum est in predictis

¹⁶¹ MS. repeats 'illius . . . suggestionibus.'

¹⁶³ MS. 'semita.'

¹⁶² MS. 'causatum.'

¹⁶⁴ MS. 'secundo.'

vt metu iniuriarum et mortis de regno vestro recedere sit coactus. Dicitur quoque contra nos edictum a vestra celsitudine processisse, vt super hiis que pro nobis et officio nostro agenda sunt nemo prefato nuncio nostro obediat vel intendat. In quibus omnibus nec deuocionem in Deum et sanctam ecclesiam nec dileccionem in personam nostram conspiciamus aliquatenus operari, dum et que inhonesta sunt fiunt, et que sunt debita denegantur. Verum cum tam magnificencie vestre quam prelati et clero regni propter vos maxime iam non semel set sepius duxerimus ex multa paciencia deferendum, nec adhuc delacionis et honorificencie animum deponentes, excellenciam vestram monemus, rogamus et hortamur¹⁶⁵ in Domino, et in reuerencia sancte matris ecclesie suademus, quatinus in hiis que circa promissa vestri honoris interesse videntur, nullius eorum seduccionibus vestra serenitas adquiescat, qui temporale commodum potius quam Dei vel ecclesie reuerenciam acceptantes, aures regum et principum laicali simplicitate credulas vana et callida fraude decipiunt, et eas ad iniquitatem et perfidiam ducere sub colore iusticie moliuntur. Sed que male et inprouide processerunt, sic ad honestam et corone regie ac fidei conuenientem emendacionem reducere satagatis, vt deuocionis vestre sinceritatem sancta mater ecclesia recognoscat, et dileccionis nostra meritum in vobis sine causa perire minime senciamus. Alioquin celsitudo vestra cognoscat, quod hec pati saluo nostri officii debito non valentes, contra vos, licet inuiti, et ceteros nostrum impediens officium tam ex nostre legacionis viribus quam ex speciali et multiplici nobis ab apostolica sede tradita potestate, prout iustum fuerit et expedire videbimus, procedemus.

XXXV. *To Pope Clement IV [after 29 September 1267].*¹⁶⁶

Dextera Domini super mensuram peccati et meriti adiciens misericordiam et gloriam diebus hiis quibus recentibus super veteres innouata plagis regni turbacio vsque nutauit in casum, vultum sue pietatis aperuit, et faciem benignitatis ostendit, et consilia malignitatis manente in eternum misericordie sue consilio dissipauit. Sane qualiter circa principium Quadragesimi vsque in diem xii Kalendas Iulii fluctuante discordia, demum reconciliacio de manu Domini ministrata processerit, sanctitati vestre tam per litteras quam per nuncios plene significacionis indicio patuerunt. Post hec autem cum inter cetera potissimum restaret vt L. principem Wallie, magnum et potens regni Anglie membrum, qui longo iam tempore in partem discordie multis inde secutis dispendiis fuerat segregatus, ad pacem et reconciliacionem adducere laborarem, in partes marchie illius vna cum rege et filiis eius et aliis baronibus me conferre curau; atque ita Deo propicio tractantibus pacis sollicite premissis effectum est vt eo prestante qui facit concordiam in sublimibus suis et inferiora dignatur¹⁶⁷ et¹⁶⁸ a suo moderamine non relinquit, inter prefatos regem et principem competens vtriusque honori bonum pacis aduenerit, et post eius compositionem reuerencie debita exhibicio cum iuramento et aliis contingentibus eidem regi ab ipso principe mutuaque hinc inde colloquia et cetera pacis et bone voluntatis signa prodierint, comitante deuota letici

¹⁶⁵ MS. 'mo. ro. et hor.'

¹⁶⁶ Llewelyn acknowledged that he held his principality of Henry III 29 Sept. 1267; cf. *Flores Historiarum*, ed. Luard, iii. 16.

¹⁶⁷ MS. 'dignantur.'

¹⁶⁸ Omitted in MS.

et exultatione fidelium subiectorum. Hiis ita de thesauris diuine bonitatis in consolacionem hominum descendentibus, que per sanctorum oracionum ascensum in conspectum Altissimi vestre sanctitatis hoscia fidelis et pastoralis fervor sollicitudinis eruisse speratur, clemenciam vestram imploro suppliciter et deuote quatinus ad Dominum scillante oculo oculo¹⁶⁹ beatitudinis vestre pro iam repertorum in dicto regno conseruacione, firmitate, atque in melius processu pariter et augmento, sancti patris dulcedo et pii ac summi cura pastoris apud Altissimum in eleuacione spiritus intercedant.

XXXVI. *Probably to the Archbishop of Canterbury [before 170 5 July, 1268].*

Celestis pietas, dissimulans peccata hominum et sanctorum preces admittens siue a conformatis iam claritati sue siue ab hiis, qui adhuc in terra ex materia lutea consistentes se super omne quod terrenum est virtutum meritis eleuarunt, regnum Anglie inclitum, diebus proximis multiplici guerrarum turbine et tempestate concussum et numerosa fidelium multitudine in manu tribulacionis et ore gladii cadente miserabiliter desolatum, post ingressum in ipsum tanta miseracione respexit vt iam inter discordes reformata concordia et regnantis solium sua magestate consurgat, et inferiorum gradus suis locis coapti proprie libertatis securitate letentur. Propterea de munere accepto pro quo nos ad regnum illum non tam voluntarios quam obedientes et oneris grauitate humeros non impauide submittentes sancta mater ecclesia destinauit, flectimus genua nostra et in accionibus graciaram manus nostras leuamus ad eum qui potens est pacis et belli, qui perdit gentes et subuersa restituit, qui suo in eternum manente consilio dissipat concilia gencium, eciam et inferiora secundum propositum voluntatis sue miseracionum suarum regimine moderatur; huic vota nostra persoluimus, et quas sufficimus laudes referimus, qui diebus nostre villicacionis fructum op atum reddidit quem mittenti et expectanti nos matri cum exultacione de filiis reportemus. Hiis sane circa promissa paratis a diuina clemencia quamquam de spiritualium reformatione ac disciplina ecclesiarum, veluti dignorum nepote in quibus via salutis eterne consistit, post corporum pacem ac terrenorum dispositionem agere videretur forsitan ordo preposterus, qui tamen a temporis malicia et timore ruine maioris est necessario commutatus, iam alligatis vasis que extrinsecus magnis hyancia scissuris aquam naufragii suscipere videbantur, oportere censemus vt instancia nostra in alcus retia ducens ad ecclesiarum statum et regiminis ipsarum gubernacula et ad regencium mores et actus sollicitudinem nostri producat officii, vt ex omni parte, quantum in nobis est, totum sanantes nostrum, sicut iubemur a Domino, ministerium impleamus. Ad hoc igitur veluti arduum summis vigiliis et absque negligencia prosequendum, vestris et ceterorum maxime, qui pastorali funguntur officio, consiliis et auxiliis indigentes, paternitati vestre in virtute obediencie firmiter ac districte qua fungimur auctoritate mandamus, quatinus infra tres septimanas post suscepcionem presencium decanorum, archidiaconorum, abbatum, priorum, et aliarum personarum ecclesiasticarum vestre

¹⁶⁹ MS. repeats.

¹⁷⁰ Ottoboni left England 5 July 1268; cf. *Annales Lond.* ed. Stubbs, p. 79. The letter was perhaps a summons to the council which Ottoboni held in London in April 1268.

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diocesis, de quibus expedire videritis, synodum conuocetis in defectus et errores tam rebus quam personis ecclesiasticis imminentes et alia que correccione aut legis sanccone inueneritis indigere sollicito perquirentes, eadem nobis infra xv dierum spacium post celebratam huius synodum vel per fideles et discretos viros transmitters procuratis, et hoc nichilominus non contenti post hec super premissis tam per vos quam per alios, quos ad id videritis adhibendos, plene deliberacionis vigilanciam opponatis, vt cum vos ad presenciam nostram vocari contigerit nos plenariam instruccionem recipientes a vobis ea statuere et ordinare possimus per quem auctorem Domino suppleantur defectus, corrigantur errores, exstirpentur vicia, inserantur virtutes, cultus augeatur diuinus, et deuocio, que multo iam tempore in partibus hiis tepuit, accendatur, et nos salutis animarum fructum, qui perire non potest, de laborum nostrorum seminibus colligentes cum exultacione ad eum qui misit nos celeriter redire possimus, nostros de huius salute manipulos deferentes, datum etc.

ELIZABETHAN GLEANINGS.

I. '*Defender of the Faith, and so forth.*'

For nearly two hundred and fifty years the solemn style and title of the king or queen of this country ended with the words 'and so forth,' or in Latin *et caetera*. On the first day of the nineteenth century a change was made. Queen Victoria's grandfather became king of a 'United Kingdom' of Great Britain and Ireland. He ceased to be king of France. He also ceased to be 'and so forth.'

Had this phrase always been meaningless? I venture to suggest that it had its origin in a happy thought, a stroke of genius.

If we look at the book to which we naturally turn when we would study the styles and titles of our English kings, if we look at Sir Thomas Hardy's Introduction to the Charter Rolls, we shall observe that the first sovereign who bears an '&c.' is Queen Elizabeth. Now let us for a moment place ourselves in the first days of her reign. Shall we not be eager to know what this new queen will call herself, for will not her style be a presage of her policy? No doubt she is by the Grace of God of England, France, and Ireland Queen. No doubt she is Defender of the Faith, though we cannot be sure what faith she will defend. But is that all? Is she or is she not Supreme Head upon earth of the Church of England and Ireland?

The full difficulty of the question which this young lady had to face so soon as she was safely queen may not be justly appreciated by our modern minds. We say, perhaps, that acts of parliament had bestowed a certain title, and had since been repealed by other acts of parliament. But to this bald statement we must make two additions. In the first place, one at least of the Henrician statutes

had declared that the headship of the church was annexed to the kingship by a bond stronger and holier than any act of parliament: to wit, by the very word of God.¹ In the second place, one of the Marian statutes had rushed to the opposite limit. It had in effect declared that Henry's ecclesiastical supremacy had all along been a nullity. It had indeed excused Queen Mary's temporary assumption of a title that was not rightfully hers, and documents in which the obnoxious phrase occurred were not for that reason to be invalid; but it applauded Mary for having seen the error of her ways, and having of her own motion rejected a title which no parliament could lawfully confer.²

It was a difficult problem. On both sides there were men with extreme opinions, who, however, agreed in holding that the solution of the question was not to be found in any earthly statute book. That question had been answered for good and all in one sense or the other by the *ius divinum*, by the word of God. We know that Elizabeth was urged to treat the Marian statutes as void or voidable, because passed by a parliament whose being was unlawful, since it was summoned by a queen who had unlawfully abdicated her God-given headship of the church.³ This, if in our British and Calvinian way we make too free with the Greek version of Thomas Lüber's name, we may call the opinion of the immoderate Erastians:—what God has joined together man attempts to put asunder 'under pain of nullity.' At the opposite pole stood a more composite body, for those who would talk of the vanity of all attempts to rob Christ's vicar of his vicariate were being reinforced by strange allies from Geneva, where Calvin had spoken ill of Henricianism. Then between these extremes there was room for many shades of doctrine, and in particular for that which would preach the omnicompetence of parliament.

Then a happy thought occurs. Let her highness etceterate herself. This will leave her hands free, and then afterwards she can explain the etceteration as occasion shall require. Suppose that sooner or later she must submit to the pope, she can still say that she has done no wrong. She can plead that, at least in some of his documents, King Philip, the catholic king, etceterates himself. There are always, so it might be said, some odds and ends that might conveniently be packed up in 'and so forth.' What of the Channel Islands, for example? They are not parts of England, and they are hardly parts of France. Besides, even Paul IV would be insaner than we think him, if, when securing so grand a prize as England, he boggled over an &c. And then, on the other hand, if her grace finds it advisable, as perhaps it will be, to declare that the Marian statutes are null, she cannot be reproached with

¹ Stat. 37 Hen. VIII, c. 17.

² Stat. 1 & 2 P. et M. c. 8, secs. 42, 43.

³ See the oration of John Hales in Fox, *Acts and Monuments*, ann. 1558.

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having been as bad as her sister, for we shall say that no reasonable man, considering all that has happened, can have doubted that the ' &c.' signified that portion of King Henry's title and King Edward's title which, for the sake of brevity, was not written in full. Lastly, suppose that the parliament which is now to be summoned is willing to go great lengths in an Erastian and protestant direction, no harm will have been done. Indeed, hereafter the queen's highness in her exercise of her ecclesiastical supremacy may find it advisable to assert that this supremacy was in being before any parliament recognised its existence, and therefore is not to be controlled even by the estates of the realm. Therefore let her be 'defender of the faith, and so forth.' He who knows what faith is 'the' faith will be able to make a good guess touching the import of 'and so forth.'

And now it must be allowed that, though, so far as I am aware, Elizabeth is the first sovereign of this country who is solemnly etceterated, there may seem to be evidence to the contrary. It had been usual in certain classes of records to abbreviate the king's style. A king whose full style was Henry, by the Grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, might well become upon a roll *H. d. g. Rex Angl. &c.* What I believe to be new in Elizabeth's reign is the addition of ' &c.' to an unabbreviated style. When she has called herself Queen of England, France, and Ireland, and Defender of the Faith, she has given herself all the titles that were borne by her father and brother, save one only, and in the place of that one she puts ' &c.' The change is the more remarkable because of all people who have ever reigned in England her immediate predecessors had the best excuse for an etceteration. But no: whatever King Philip's Spanish chancery may have done, King Philip and Queen Mary are not etceterated in solemn English documents. The whole wearisome story must be told: Jerusalem must not be forgotten, nor Tyrol. Even the town-clerk at Cambridge, when he is writing out the borough accounts, will write of Flanders and Milan. Then comes Elizabeth with her conveniently short title, with no duchies, archduchies, and counties to be enumerated; and yet she must be &c.

Now let us discover, if we can, the moment of time at which the etceteration began. So to do is the more important because I am not in a position to contend that this addition to the royal style is to be found in every place in which, if my theory be true, it ought to occur. In particular any one who relied only on the officially printed volumes of statutes might infer that the change took place before the parliament of 1563, but after the parliament of 1559. On the other hand, we may see the little syllable in a writ of 21 Jan. 1559 which prorogued parliament from the 23rd

to the 25th of that month. Occasionally a clerk will make a slip, an omissive slip: especially, by leaving unmodified an old formula which he ought to modify. So let us look at the very first document in which Queen Elizabeth announced her royal will and pleasure. In Humfrey Dyson's collection at the British Museum lies the proclamation, 'imprynted at London by Richard Jugge,' which tells us how it hath pleased Almighty God to call to his mercy out of this mortal life, to our great grief, 'our dearest suster of noble memory,' and how the kingdoms of England, France, and Ireland, 'with all maner titles and rights thereunto in any wise apperteyning,' have come to Us, 'Elizabeth, by the grace of God Queene of Englande Fraunce and Ireland defendour of the fayth. &c.'⁴

A little later Mary's body was borne to the grave, and there was heraldic display, of which an apparently official account is extant.⁵ Heralds are bound to be careful of titles. The late queen had a lengthy title, but it must be recited at full length. Then, when the dirge has been chanted and the crowd is questioning whether many more dirges will be chanted in England, comes the demand for a loyal shout for a new queen, whose title is brief, but who is something that her sister was not: for she is &c.

Then we know that parliament had hardly assembled (25 Jan.) before the commons appointed (30 Jan.) a committee to consider the validity of the summons which had called them together, and of the writs by virtue whereof some of Mary's last parliaments were holden. The committee reported (3 Feb.) that the omission of the words *Supremum Caput* was no cause of nullity. I should suppose that Elizabeth's ministers had by this time decided—and surely it was a wise decision—that whatever ecclesiastical changes were to be made should be made in a straightforward manner by repeal, and should not be attempted by means of a theory which Roman catholics and Calvinists would accuse of blasphemy and the plain man would charge with chicanery. It may be, therefore, that they never had to rely on their ' &c. ; ' but some of us would gladly have been present at the deliberations of that committee.

Some years later certain English members of the Roman church were consulting some high authority—not the pope himself, but some high authority—touching the course of conduct that they ought to pursue towards a queen whom Pius V had denounced as excommunicate and deposed. Their questions and the answers that were given thereto were published by Dr. Creighton in this Review.⁶ These scrupulous persons desire to know whether

⁴ Brit. Mus., Grenville 6463. I refer to this precious volume because, as I understand, what is there to be seen is one of the very papers that came from Jugge's office.

⁵ *State Papers, Domestic*, vol. i. no. 32 (MS.); see *Foreign Calendar for 1559-60*, p. cxxviii.

⁶ *ENGLISH HISTORICAL REVIEW*, vii. 81.

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Elizabeth may be called Queen of England, and, if so, whether the ' &c.' may be added. Question and answer run as follows:—

Cum Elizabetha in forma titularum adiungat in fine 'et caetera,' quo intelligitur esse ecclesiae supremum caput, quoniam eo excepto omnes alii tituli expresse nominantur, an catholici hoc intelligentes possunt salva fidei professione etiam illam particulam 'et caetera' adiungere?

Licet haeretici per illam vocem 'et caetera' intelligant caput ecclesiae Anglicanae, non coguntur tamen catholici ita eam intelligere: ea enim vox indifferens est ad alia multa: immo vox est quae ut plurimum apponi solet in titulis aliorum regum.

If, then, we see significance in this ' &c.,' we are only seeing what was seen by some at least of Elizabeth's subjects, and the brain to which *illa particula* occurred seems to deserve credit for its ingenuity. Catholic and Calvinist can say that this is a *vox indifferens* common in regal styles. On the other hand the champions of a divinely instituted caesaro-papalism will observe that all Elizabeth's possible titles, except one, have been expressly named.

For all this we might fear that we were making much ado about nothing, and discovering deep policy in some clerk's flourish, were it not for a piece of evidence that remains to be mentioned. At the Record Office is preserved a paper on which Cecil has scribbled memoranda.⁷ It is ascribed to 18 Nov. 1558, the second day of Elizabeth's reign. Apparently the secretary is taking his mistress's pleasure about a great variety of matters, and, as he does so, he jots down notes which will aid his memory. Ambassadors must be sent to foreign princes; a new great seal must be engraved; a preacher must be selected to fill the pulpit at Paul's Cross next Sunday. Then, among these notes—which should be photographed, for no print could represent them—we find the following:—

A commission to make out wryttes for y^e parlement touchyng &c. in y^e style of wryttes.

This seems to me proof positive that ' &c. in the style of writs' was the outcome, not of chance but of deliberation—of a deliberation that took place at the first moment of the reign in the highest of high quarters.

So we might expand the symbol thus:—

&c. = and (if future events shall so decide, but not further or otherwise) of the Church of England and also of Ireland upon earth the Supreme Head.

F. W. MAITLAND.

⁷ *State Papers, Domestic*, vol. i. no. 3.

WARRANT TO THE EARL OF NEWCASTLE TO TAKE POSSESSION OF HULL.

THE existence of the accompanying document, the original of which is in my possession, has hitherto been known only from another warrant of the same date, 11 Jan. 164 $\frac{1}{2}$, commanding Secretary Nicholas not to have either the king's letters to the earl of Newcastle or his warrant to Capt. William Legge entered at the signet office.¹ An account of the failure of the mission is given in a letter of 14 Jan. from Legge to Nicholas.² The postscript, in italics, is in the king's handwriting.

EDWARD ALMACK.

CHARLES R.

Trusty and right well beloued Cussen and Counciller, We being confident of your affection and fidelity to our seruis, doe Command you, upon the sight hereof, to repaire in person, with all possible speede, into our towne of Hull and to take our sayd towne of Hull, and our Magazen there into your care and gouernment, and Wee doe farther require you to take into the said towne of Hull the Regiment of Sir Thomas Mettam, or any other force that you shall thinke nessesary for the defence of that place, and Wee doe straightly command you to keepe the said place and magazens for us against all attempts whatsoever, and Wee doe farther command you not to forsake or deliver upp the sayd place upon any command whatsoever, other than unnder our owne hande, and wee doe by these presents commannd all Liuetennants, Deputy Liuetennants and all other officers whatsoever within Yorkeshire, to obey your commannds particularly Sir Thomas Mettam, the Mayor and other officers of Hull, and Captayne William Legg, keeper of our Magazin there, to yeeld obedience to your commannds, for the securing of that place for all which this shall be your sufficient warrant, giuen under our hand at Hampton Courte the 11th of January 1641.

For our Right Trusty and Well beloued Cussen and Counciller the Earle of New Castle.

Execut this with all diligence & secrete untill ye cum upon the place. C. R.

WOLFE AND GRAY'S 'ELEGY.'

It must needs be that historians borrow from their predecessors, but it may be given as a general recommendation that nothing be taken for granted. Among the pretty stories that for old or young illuminate the page of the picturesque historian, few are so popular as that which tells how General Wolfe, floating down the river St. Lawrence on the morning when he met victory and death, recited Gray's 'Elegy.' Strict silence had been ordered, and it seems unlikely that the general, however full his heart, would set the bad example of violating his own order. The picturesque historian, noticing this impropriety, makes him whisper

¹ *S. P. Dom.* cccclxxxviii. 50.² *Ibid.* 55.

or recite in a hushed voice. A suspicion that there was something wrong in the account made me hunt up the original authority; then carelessness was soon discovered, and this in historians of high repute. The matter is very small, but it is perhaps worth following out.

Stanhope and Carlyle both give Professor Robison of Edinburgh as the authority for the story. Lord Stanhope¹ says:—

Not a word was spoken, not a sound was heard beyond the rippling of the stream. Wolfe alone—thus tradition has told us—repeated in a low voice to the other officers in his boat those beautiful stanzas with which a country churchyard inspired the muse of Gray. One noble line,

‘The paths of glory lead but to the grave,’

must have seemed at such a moment fraught with mournful meaning. At the close of the recitation Wolfe added, ‘Now, gentlemen, I would rather be the author of that poem than take Quebec.’

In a footnote Stanhope cites Grahame's ‘History of the United States,’ vol. iv. p. 51. In that book, published in 1836, after the strong statement, ‘silence was commanded under pain of death, which was indeed doubly menaced,’ Wolfe is made to speak ‘in accents barely audible to the profound attention of his listening officers;’ and to the name of the poem the historian adds—‘of which a copy had been brought to him by the last packet from England.’ Since the arrival of which packet the general, with all the work of taking Quebec on his hands, had learnt a poem of 128 lines! Stanhope rightly points out that the ‘Elegy’ had been ‘out’ for some nine years. He might have added that, finished in 1750, the poem was published in 1751; that it went through four editions in two months; that the twelfth and illustrated edition was published in 1753; that it had appeared in at least three magazines, and in more than one collection of poetry, and that a Latin translation had been published.

Carlyle's ‘Frederick the Great’ takes a wide range, and introduces all that is picturesque in the Seven Years' War in any part of the world. In vol. v. p. 555, in the library edition,² he gives the following account:—

Wolfe silently descends; mind made up; thoughts hushed quiet into one great thought; in the ripple of the perpetual waters, under the grim cliffs and the eternal stars. Conversing with his people, he was heard to recite some passages of Gray's ‘Elegy’ lately come out to these parts; of which, says an ear-witness, he expressed his admiration to an enthusiastic degree: ‘Ah, those are tones of the Eternal Melodies, are not they? A man might thank Heaven had he such a gift; almost as we might for succeeding here, gentlemen!’

¹ *Hist. Engl.* iv. 244.

² Book xix. ch. 6.

Carlyle's footnote follows :—

Professor Robison, then a navy-lieutenant, in the raft along with Wolfe, afterwards a well-known professor of natural philosophy at Edinburgh, was often heard, by persons whom I have heard again, to repeat this anecdote. (See Playfair, 'Biographical Account of Professor Robison,' in *Trans. Roy. Soc. Edinb.* vii. 495 *et seq.*)

See this by all means, and it will be found that Carlyle has 'improved' the words put into Wolfe's mouth, as might readily be suspected. If Wolfe on such an occasion had talked about the *Eternal Melodies*, what language would Carlyle have found to express his scorn? Carlyle implies that the occasion of the recitation was when the rafts (were they rafts? or is that picturesque for boats?) were moving down the river for the battle of the Heights of Abraham. The autobiographical touch in the note is interesting. 'Silently' . . . 'conversing' in the text is good.

Luckily the 'Transactions of the Royal Society of Edinburgh' are not inaccessible. The 'Life of Professor Robison' therein is by the successor to his chair, Professor John Playfair, and was read to the society in 1815, just ten years after the death of its subject. John Robison was born in 1739, and took the degree of M.A. at the university of Glasgow, when he was seventeen. When he was on the 'Royal William' in the St. Lawrence he was not a midshipman nor a 'navy-lieutenant,' but was 'rated as a midshipman'—a different thing, being tutor to the son of an admiral. Mr. Playfair writes :—

An anecdote which he also used to tell deserves well to be remembered. He happened to be on duty in the boat in which General Wolfe went to visit some of his posts the night before the battle, which was expected to be decisive of the fate of the campaign. The evening was fine, and the scene, considering the work they were engaged in, and the morning to which they were looking forward, sufficiently impressive. As they rowed along, the general with much feeling repeated nearly the whole of Gray's 'Elegy' (which had appeared not long before, and was yet but little known) to an officer who sat with him in the stern of the boat; adding, as he concluded, that 'he would prefer being the author of that poem to the glory of beating the French to-morrow.'

This is the original account, and it is quite evident (in spite of 'not long before') that it is the right one. Those who quote it usually omit the word 'to-morrow.' The boats started on their passage down the St. Lawrence at two o'clock in the morning. If Wolfe had broken his own stern orders about strict silence, he could not have said 'to-morrow,' but would have said 'to-day.'

The best authority on the period is Parkman's 'Montcalm and Wolfe.' It may be observed that although his book covers in

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greater detail the ground previously in part occupied by Carlyle, Parkman never even mentions his famous predecessor. But he has been using his other predecessors, for he too calls Robison 'a young midshipman.' Well, he was 20 in 1759. Parkman quotes the line from Gray, on which Grahame and Stanhope before him, followed by many a school history, have laid stress:—

'The paths of glory lead but to the grave.'

Mr. A. G. Bradley, who contributed the account of Wolfe to the 'Men of Action' series, evidently not regarding accuracy as important, calls the Professor 'Robertson.' He borrows enormously from Parkman, including a map that omits the Heights of Abraham.

Before we leave Carlyle and Parkman, it may be as well to notice that the former quotes as genuine a prophecy on the part of Montcalm which would be very striking if it were true. In a letter 'to a cousin in France,' the French leader is made to declare that Quebec cannot but be taken, but that France will be avenged for the loss of Canada by the fact that the American colonies will surely within a few years revolt from England. Parkman's view of this and other letters is that 'they bear the strongest marks of being fabricated to suit the times, the colonies being then in revolt,' for the letters were not published until 1777. The evidence of handwriting is against them, and at the date given it was not possible to send anything from Canada to France.

If speculation be permitted, one would like to know whether Gray himself ever enjoyed the satisfaction of hearing the story of Wolfe's admiration. He lived some twelve years after the making of the famous remark by Wolfe; but no letter to or from him has been preserved with any allusion to the story having reached him. The poet always expressed astonishment at the popularity of the most popular poem in the language, saying that it was entirely due to the subject, and that 'the public would have received it as well if it had been written in prose.'

In Gray's letters (edited by Gosse) the only allusions to Wolfe are two. On 19 Sept. 1759, amid much observation of nature most worthy of a poet, Gray had asked his friend Dr. Wharton, 'What do you say to all our victories?' But Quebec had then fallen only five days before, and the news could not have come. Two months later on 28 Nov. he tells the same correspondent about three speeches, apparently made in the House of Commons by Pitt. Unfortunately nine lines have been torn off from the letter.

The second was a studied and puerile declamation on funeral honours (on proposing a monument for Wolfe). In the course of it, he wiped his

eyes with one handkerchief, and Beckford, who seconded him, cried too, and wiped with two handkerchiefs at once, which was very moving. The third was about General Amherst, and in commendation of the industry and ardour of our American commanders, very spirited and eloquent.

If Gray had felt the death of Wolfe deeply, could he have inserted the little scoff about the handkerchiefs? In the following January (23) he writes again to Wharton:—

You ask after Quebec. Gen. Townsend says, it is much like Richmond Hill, and the river as fine (but bigger), and the vale as *riant*, as rich, and as well cultivated. No great matters are attributed to his conduct. The officer who brought over the news, when the Prince of Wales asked, how long Gen. Townsend commanded in the action after Wolfe's death answered, 'A minute, sir.' It is certain, he was not at all well with Wolfe, who for some time had not cared to consult with him, or communicate any of his designs to him.

EDWARD E. MORRIS.

THE FRENCH EAST-INDIAN EXPEDITION AT THE CAPE IN 1803.

In searching the archives of our War Office (Intelligence, no. 425) I have found the following letters, which have not been published in the official records of Cape Colony. The first two are from English residents at the Cape, the others are from the chiefs of the East Indian expedition which the First Consul despatched early in 1803. At that time our government restored the Cape to the Batavian republic, in pursuance of the terms of the treaty of Amiens, but after a long delay, occasioned by the almost complete rupture brought about by Bonaparte's high-handed intervention in Switzerland in the previous autumn. The position was severely strained when, early in 1803, Sebastiani's report on the state of Egypt and the Levant was published in the *Moniteur*. That this action was more than mere bluster is evident from the very important secret instructions issued by the First Consul to his general of division Decaen, whom he appointed to be *capitaine général des établissements français au-delà du Cap de Bonne-Espérance*. They were dated 11 *nivôse, an XI* (1 Jan. 1803), and have been printed in full by M. Dumas in the 'Précis des Événements Militaires' (vol. xi. pp. 185-90), and in the *Revue Historique* of 1879 and of 1881. But the following extracts are here cited in order to explain the importance which Bonaparte and his officers then attached to the possession of the Cape. I may add that Decaen was noted for his hostility to England, while Admiral Linois was soon to be the scourge of British commerce in the eastern seas:—

Pour nourrir la guerre aux Indes plusieurs campagnes, il faut raisonner dans l'hypothèse que nous ne serions pas maîtres des mers, et que nous aurions à espérer peu de secours considérables.

Il paraîtrait difficile qu'avec un corps d'armée on pût longtemps résister aux forces considérables que peuvent opposer les Anglais, sans alliances et sans une place servant de point d'appui, où dans un cas extrême on pût capituler et se trouver encore maître de se faire transporter en France ou à l'Île de France avec armes et bagages, sans être prisonniers et sans compromettre l'honneur et un corps considérable de Français.

Un point d'appui doit avoir le caractère d'être fortifié, et d'avoir une rade ou un port où des frégates ou des vaisseaux de commerce soient à l'abri d'une force supérieure. Quelle que soit la nation à laquelle appartient cette place, portugaise, hollandaise ou anglaise, le premier objet paraît devoir tendre à s'en emparer dès les premiers mois, en calculant sur l'effet de l'arrivée d'une force européenne inattendue et incalculée. . . .

Si la guerre venait à se déclarer entre la France et l'Angleterre avant le 1^{er} vendémiaire an XIII [23 Sept. 1804], et que le capitaine général en fût prévenu avant de recevoir les ordres du gouvernement, il a carte blanche, est autorisé à se reposer sur l'Île de France et le Cap, ou à rester dans la presqu'île [de l'Inde], selon les circonstances où il se trouvera et les espérances qu'il pourrait concevoir. . . .

On ne conçoit pas aujourd'hui que nous puissions avoir la guerre avec l'Angleterre sans y entraîner la Hollande. Un des premiers soins du capitaine général sera de s'assurer de la situation des établissements hollandais, portugais, espagnols, et des ressources qu'ils pourraient offrir.

La mission du capitaine général est d'abord une mission d'observation sous les rapports politique et militaire, avec le peu de forces qu'il mène, et une occupation de comptoirs pour notre commerce ; mais le premier consul, bien instruit par lui, et par l'exécution ponctuelle des instructions qui précèdent, pourra peut-être le mettre à même d'acquérir un jour la grande gloire qui prolonge la mémoire des hommes au-delà de la durée des siècles.

British War Office Intelligence.

I. Extract from a Letter from Cape Town.

11 April 1803.

This morning 45 of the Batavian horse soldiers were carried from the Barracks to the cells in the Castle, having mutinied & dangerously wounded two of their officers : this is a bad beginning, & worse, I fear, will follow. Every inhabitant seems dissatisfied with the proceedings of Government & I make no doubt that was [sic] an English fleet to appear off the Cape, three parts out of four would immediately join them : the troops are all murmuring & daily complaints of bad food & that in such small quantities that it is scarcely sufficient for them to exist with, & their pay is exceedingly trifling. Heaven only knows how it will end : the Commissary General has modestly made known to the Inhabitants they must make up their minds to feed cloath [sic], & pay every expence of, the Army & navy, the Batavian Republic not having it in their power to support them : the monied men are all preparing for evacuating the Colony.

II.

Cape Town, May 14. 1803.

There are three French frigates & a Seventy-Four arrived in Simon's Bay with a General & Troops for the Cape; the Dutch say, for Pondicherry; but there seems to be only one opinion about that; everything is ordered for them in the name of the Batavian Republic. I am afraid all is not yet understood in Europe, for one of the Frigates on making the inner bay, stood off again, on not seeing the Dutch colours, which by some means had been neglected to be hoisted, & made a private signal from the outer bay to the hill, which on being answered, she stood up into Simon's Bay: however, all is quiet, & it never required any gift of prophecy to foretel that this would be the case.

III.

[Copie.]

Du Cap de Bonne Espérance, False Bay
le 30 Floréal, an XI
[20 Mai, 1803]

Au Ministre de la Marine,—[After describing his wound, &c., he refers to the fortifications at Cape Town, of which he says] les Anglais n'en ont point augmenté. . . Ils ont eu dans cette Colonie jusqu'à 4820 hommes dont ils ont fait passer graduellement la plus grande partie dans l'Inde. Ce qui est à observer c'est qu'ils ont expédié le 61^e Régiment, composé de 850 hommes, pour la Mer Rouge à l'époque de 20 Avril 1801 sous les ordres de Sir Home Popham. Je n'entrerais pas dans d'autres détails, persuadé que le Général De Caen ne vous laisse rien ignorer de ce qui concerne cette Colonie, et de la conduite qu'y ont tenue les Anglais. Il en résulte, en dernière analyse, qu'ils y ont laissé une grande influence par les Guinées qu'ils y ont répandues. Tout y est doublé de prix depuis leur séjour. Il me paroît, par les renseignements que je me suis procurés, qu'ils y ont beaucoup de Partisans. L'importance de cette Colonie ne peut manquer de fixer l'attention de notre Gouvernement éclairé.

Je serai fort exact à vous transmettre après mon arrivée dans l'Inde la situation actuelle des Anglois. Je serai bientôt au fait, par mes anciennes relations répandues dans tous les points du Continent de tout ce qui les concerne. . . . Salut et Respect,
MONTIGNY.

IV.

[Copie.]

à bord du Marengo, en rade à Simons Baye
le 1^{er} Prairial, an XI
[21 Mai 1803]

Au Ministre de la Marine,—J'ai eu l'honneur de vous rendre compte par mes précédentes dépêches, qu'après une heureuse traversée de 63 jours, j'avois mouillé le 19 Floréal à Simons Baye dans la Baie de False (*sic*), 9 Mai avec la fregatte La Sémillante. J'y ai trouvé l'Atalanta, arrivée depuis deux jours.

La Belle Poule, transportant le Préfet Colonial Léger, et que j'avois expédiée en avant de la hauteur de Madère, n'a point paru en cette Baye,

et je ne doute pas que des vents forcés du N.O. l'ayant empêché d'attraper le mouillage, le Cap^{ne} Bruillac se sera déterminé à passer outre, se proposant la relâche de Madagascar, pour y renouveler son eau, attendu que je lui ai défendu impérativement la relâche de l'Île de France dans les instructions que je lui ai donnée.

Quant aux transports, la *Côte d'Or* et la *Marie Françoise*, dont nous avons été séparés la nuit du départ, par suite du coup de vent que nous avons essuyé, je le suppose encore à l'arrière.

Mon eau étant faite, je pars demain, si le vent est favorable pour me rendre à ma destination. Harmonie, joie, et santé règnent parmi les équipages et passagers de la division.

L'accueil le plus prévenant et le plus obligeant nous a été fait ici par les autorités bataves : je me réfère au surplus aux détails renfermés dans ma précédente dépêche. (Signé) LINOIS.

P.S. J'ouvre ma lettre, général ministre, pour vous annoncer l'arrivée en cette baie du transport le *Côte d'Or*, qui a relâché assez inutilement aux Canaries. Il n'y a point de malade à son bord. Je ne l'attendrai pas pour appareiller, si les vents deviennent favorables pour mon départ. Cette lettre doit vous parvenir par le vaisseau anglois *Cambrian*, Cap^{ne} Gordon, allant à Londres ; c'est un bâtiment de commerce.

[Pencilled on back, 'received Jan. 29 1804.']

The letter of General Decaen is of similar tenor. It is clear that these letters were taken direct to our War Office by Captain Gordon when he found that war had broken out. But the fact that the French officers entrusted letters to our East Indiaman shows that when they left Brest (1 March 1803) the approach of war was not considered imminent. Napoleon evidently considered that a year and a half would be needed for the completion of his preparations for the overthrow of our Indian power ; and the letter of Captain Montigny shows that the French took every care to examine the fortifications at the Cape, which Decaen's secret instructions warned him to secure as a necessary *point d'appui*. Is it too much to presume that the despatch of this expedition, under the command of a pronounced Anglophobe, decided our government to thwart Napoleon's plans by an immediate declaration of war ? That our government thenceforth attached the greatest importance to the acquisition of the Cape is clear from our Foreign Office records. In 'Prussia,' no. 70, there is a draft of a proposed treaty with that power dated 27 Oct. 1805, the third article of which stipulates that, at the end of the present war against Napoleon, no question should be raised by our allies as to the retention by Great Britain of Malta and of the Cape of Good Hope. I believe that that is the earliest indication of our fixed determination to reconquer and to keep that colony, the importance of which had been so unmistakably pointed out by Decaen's expedition.

J. HOLLAND ROSE.

Reviews of Books

The Philosophical Theory of the State. By BERNARD BOSANQUET.
(London : Macmillan & Co., Limited. 1899.)

SINCE T. H. Green lectured on political obligation no English philosopher has materially advanced the theory of the state. The ideas which he laboured to express and to justify have indeed been fruitful in stimulus, but no one has ventured before Mr. Bosanquet in this volume to give system and completion to the work which fell too early from his hands. Mr. Bosanquet, then, is primarily to be regarded as carrying on the tradition and teaching of his master, T. H. Green, but he has two special reasons for desiring to express himself independently.

One of these is to be found in my attempt to apply the conceptions of recent psychology to the theory of state coercion and of the real or general will, and to explain the relation of social philosophy to sociological psychology. . . . My other reason lay in the conviction that the time has gone by for the scrupulous caution which Green displayed in estimating the value of the state to its members.¹

It is unnecessary to speak of Mr. Bosanquet's qualifications for the task he has undertaken ; it is more pertinent to thank him, in the name of all serious students of political philosophy, for having achieved it. In these pages any detailed exposition and review of fundamental philosophical conceptions would be out of place ; it is only possible to draw attention to the masterly criticism, in the second chapter, of the various methods by which the study of politics has been pursued—mathematical, juristic, biological, sociological, psychological—and the justification of philosophy's claim to welcome their contribution while reserving her arbitrament ; or, again, to chapter viii., on the end and limits of state action, a chapter which, pronouncing judgment on the false issue raised by individualism and socialism, only restates and develops the author's previously expressed view, and is and must remain, so one would think, final, both in thought and definition.

It is rather from Mr. Bosanquet's interpretation of the history of the state and the history of its theory that we shall illustrate the philosophical attitude adopted and defended in this book. Political philosophy may be said to end, as it began, with some attempt to answer the question, Why should I obey the state ? Briefly Mr. Bosanquet replies, Because in obeying the state you obey your larger, your real and permanent self, because, in the language of Rousseau's paradox, the state exists to make you free. And so he finds the root of the matter to

¹ Preface, p. ix.

lie in the paradox of self-government, in which true freedom consists. Now this paradox is after all no greater in politics than in ethics. The real—or collective—will of a people is just as genuine and operative a conception as the identity of the individual's purpose through changing moods of caprice and illusion; as hard to grasp, but no harder. 'The claim to obey only yourself is a claim essential to humanity; and the further significance of it rests upon what you mean by "yourself."'

Now any such doctrine will be branded at once as metaphysical and 'unenglish.' It will have to overcome the rooted national distrust of the state; the view which regards the government as a necessary evil, but evil none the less; the temperament which calls upon the individual to reform the state, and finds the proper sphere of pre-eminent virtue in opposition to the claims of society and the coercion of the state. The Englishman is by nature a grumbler; popular thought is impressed by the exceptional rather than the normal; even the philosopher has failed 'to seize the greatness and reality of life in its commonest actual phases.' Some such mental attitude is at once the source and product of those peculiarly English '*prima facie* theories,' or 'theories of the first look,' which it is Mr. Bosanquet's object to explode. And yet there is some risk of unduly discrediting them; Hobbes, Locke, Bentham, Mill, Spencer, and Huxley witness to overmastering historical forces and deep-seated instincts. Modern political speculation took its rise in the sixteenth century out of the question of the right of resistance. Round this dominant debate theory crystallised, *vires acquirit eundo*. For good or for evil freedom and the state were forced into antithesis; systems of political philosophy all agreed to rear themselves on a basis of abstract individualism. And yet it is easy to do less than justice to this order of speculation; and Mr. Bosanquet's scorn of the superficial leads him at times into language unduly severe. To most of these thinkers, with their 'theories of limit and resistance,' freedom was, just as much as to Rousseau and Hegel, the essential good for man. While we turn to Hegel to learn that freedom is the *raison d'être* of the state we shall find at least an equal conviction in Locke that freedom is so inseparable from all human worth, so fundamental to character, that the value of human institutions is only to be tested by their foundation in freedom; a tenet which led in his eyes necessarily to the conclusion that consent must have gone to the making of a state, since only in consent could its preservation be justified. Here is the same appeal to reason; un-historical, artificial, we have learnt to call it, and rightly. But the mistake is not one of principle; it is, in fact, the principle which redeems the theory and still arouses an answer of sympathy. After all Locke did attempt to adjust law and liberty by clear sober reasoning, and that though he started from that blank negative conception of liberty which Mr. Bosanquet trenchantly criticises.

But it is with a very different tradition of speculation that Mr. Bosanquet, as a constructive philosopher, is concerned. Just as to him the real interest of history lies in the emergence and manifestation of a social will, so the value of political theories is to be measured by their recognition and interpretation of that will. This will, the real will, as he prefers to style it, springs from the heart of society to work in and

through the form of social organisation, the state. Society is organic, rests on a community of mind; the state is organisation, and in the human sphere organism and organisation cannot be separated. The vital question, then, is not, Under what limitations shall I obey the state? but, What makes a people a people? What are the profounder psychical implications in the fact, and organised human association? This view of the political problem, owing its rise to Plato and Aristotle, preserved, but embalmed in scholasticism, emerging with acute but perplexed consciousness in Rousseau, powerfully influencing Kant and Fichte, dominating Hegel—all this Mr. Bosanquet has traced with a master hand, rendering by the way to Rousseau the appreciative justice for which he has waited so long. A stimulating chapter of psychological illustration is inserted to buttress the doctrine of the real or collective will; and at the summit of his argument Mr. Bosanquet commits himself entirely to the guidance of Hegel in the analysis of the state. If any one holds the secret of Hegel, and is qualified to reveal it, it is certainly Mr. Bosanquet. Equally loyal to ideas and to facts, endowed with a store of personal experience which Hegel himself did not possess, he performs the function of interpreter with incomparable skill and sanity. It may fairly be doubted whether Hegel himself, in his lifelong protest against abstraction and distinction, did not often purchase concreteness at the price of clearness. It is certain that Hegel has been to many a stumbling-block, to many a shibboleth. His knowledge of history would not bear the fabric of his philosophy; but it by no means follows that his philosophy does not contain the clue to the interpretation of all history. It is in a patient, hopeful, and sincere spirit that Mr. Bosanquet applies Hegel, never concealing a difficulty, but always claiming that on the deeper study of fact the solution will be found. Much faith and something of optimism is postulated. The state whose theory we are in search of is assumed to be a normal state—a state responsive to public opinion, and yet something more permanent than and paramount over any particular phase of public opinion. It is 'the operative criticism of all institutions,' summoning by right force to its aid; demanding and receiving recognition on the individual consciousness, representative and guardian of the rights of society. The state, then, is not the government, as Hobbes asserted; it is not the will of the majority elicited by representation or referendum; it is not a mere political machine. It is 'society as a unit, recognised as rightly exercising control over its members, through absolute physical power' (p. 184). It is 'not a number of persons, but a working conception of life' (pp. 150-1); it is, in fact, the real will. But what is the vehicle of this real will, and are we permitted to speak of the state as an institution which embodies it? *Who* represent the state at any given moment? *Whose* purpose is the real will the state exists to realise? Shall we apply the direct test of responsibility to discover the state? For what actions must the state be held responsible, for what not? Or must the state be sometimes held responsible for actions which are not its actions? And so we shall certainly be led, to meet extreme cases, to distinguish between the government and the people—the will of the men in office and the will of the nation. And the will of the nation is not necessarily the right will, which alone is the real will. 'We

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always want what we will, but what we will is not always what would satisfy each want' (p. 146). Neither the lawyer nor the political casuist nor the plain man will be satisfied. And yet there is a real will, a will which is neither a transcendent abstract will nor a merely unconscious purpose. It is in society, yet it does not make society, but society makes it. It is never realised, yet always operative; a mystery of faith, but a mystery which philosophy compels faith to grasp.

W. G. POGSON SMITH.

Authority and Archæology, Sacred and Profane. Edited by D. G. HOGARTH. (London: Murray. 1899.)

THE intention of this collection of essays is to enable us, now that we are nearing the close of the century which has witnessed such enormous archæological discoveries and such progress in the science of archæology itself, to realise where we stand with regard to the effects of those discoveries on our conception and knowledge of ancient history, whether biblical or classical. It is difficult to imagine an enterprise of the kind more successfully carried out. The names of the writers would be of themselves a sufficient guarantee for the adequacy of the treatment. But it is with increasing admiration that we realise (and this is specially true of the more important essays) their combination of breadth of view with completeness of detail, and the sobriety as well as the precision of their statements and judgments.

We can hardly do more than refer to Professor Driver's remarkable contribution, which comes first in the book—'Hebrew Authority.' It is the longest of all the essays, and, as might be expected from the nature of the subject, the most polemical. But we do not think that Dr. Driver can be accused of having said a word too much about those who confuse the distinction between what he calls 'the direct and the indirect testimony of archæology.' With this as his thesis he goes steadily through the Old Testament history, pointing out where archæological discoveries on the one hand confirm or contradict its statements, and on the other merely illustrate them or increase their probability. The treatment of the story of Joseph is typical. The monuments provide parallels and illustrations for nearly every important incident in it. But we search them in vain for any direct proof of the existence of an historical Joseph. At the same time it can be said that 'the inherent nature of the events recorded [viz. the story of Joseph] . . . makes it exceedingly difficult to believe that they do not rest upon a foundation of fact.'

If Professor Sayce has been somewhat severely handled by Dr. Driver, he will find nothing but consolation in Mr. Griffith's section on Egypt, which strikingly confirms the main contentions of the famous attack on the veracity of Herodotus.

Hopelessly astray as regards the order [of the early kings] . . . Herodotus has no knowledge even of the most important phases of the history. . . It is only with the actual accession of Psammetichus that the work of Herodotus enters on its new phase of comparative accuracy. . . It is the frequent absence of even superficial knowledge that tries our belief in the veracity of Herodotus. . . His complete ignorance of Egypt above Memphis . . . How isolated is this gem of

veracity [viz. the description of the ibis]! . . . 'Hardly Herodotus,' one would say, on reading its wondrous context.

Such are some characteristic specimens of Mr. Griffith's judgment on the Greek historian tested by modern Egyptology. He has indeed some excuses to offer for him. Herodotus was in the hands of the priests, and one of the most striking features in the essay is the evidence for the 'utter lack of historical knowledge among the educated classes in Egypt.' Manetho is a typical case.

If a native priest commissioned to write history by the king, having access to temple records and surrounded by inscriptions of historical importance, the meaning of which he could readily gather . . . failed to collect materials better than those provided by tradition and popular legend, it is not to be wondered at that the priests and guides consulted by Herodotus should have led him far from the truth.

The section on Babylonia and Assyria is hardly more favourable to Herodotus. Mr. Griffith concludes with some valuable pages on the 'Reconstruction of Ancient History.' The classical writings on oriental history may not be very valuable as sources of information, but they were the starting-point for the modern interest in those subjects. 'It has been reserved for us to draw forth the true history of Egypt and Babylonia straight from their soil and ruins.' And we are beginning to realise what this means now that Mr. Petrie has succeeded in tracing a continuous tradition of human culture in the Nile valley back to the stone age.

Mr. Hogarth's section on prehistoric Greece reminds us, above all things, what rapid changes have taken place in our knowledge and conception of the origin and character of early Greek culture since Schliemann's discoveries, now a quarter of a century old. Formerly everything used to be explained by the Phœnicians. Now we are told that 'they carried away from Mycenæ as much as they brought.' Our view of the relation between prehistoric Greece and the east has been radically altered by the idea of an Aegean civilisation stretching back 'far into the third millennium B.C. at the very least, and more probably much earlier still,' which, while it was able to assimilate all that it borrowed, was intensely individual in the style of its products. It is the continuity of this artistic tradition which explains the rapid development of the art of historic Greece. In fact, we must look for the origins of the Greek spirit, in matters of art at least, much further back than we ever imagined. In another direction a new prospect is opened by the recognition of the influence exercised by the Aegean culture over the art of Central Europe, and ultimately that of the Keltic race. We are probably far from being at the end of our discoveries in the world of prehistoric Greece. But what a revolution has been already achieved when it can be said that 'we have probably to deal with a total period of civilisation in the Aegean not much shorter than in the Nile valley'! Professor Ernest Gardner's section on historic Greece is, from the nature of the subject, less startling. Yet here too we realise that our knowledge has been immensely increased by two great series of results. On the one hand there has been the steady excavation of the chief historical sites, above

all of Olympia, Delphi, and the Athenian Acropolis ; and, on the other, it has become possible to construct a systematic history of the two most important departments of Greek art, sculpture and vase-painting.

In the 'Roman World' Mr. Haverfield has perhaps the hardest task of all assigned to him. Within the limits of thirty-five pages to suggest or even allude to all that archæology has contributed to our knowledge of that vast and complex subject, the origin and growth of the empire of Rome, which at last becomes coextensive with the civilised world itself—to do this satisfactorily was practically impossible. Much has been omitted of the highest interest and importance. Some might have looked for fuller information about the subject of Roman Britain, which Mr. Haverfield, though he has done so much to increase and consolidate our knowledge of it, has, with a due sense of proportion, confined to the severest limits. Others again might expect a more prominent place for the story of the recovery since 1870 of so much of the buried city of Rome. But he has wisely restricted himself to an attempt to give a general idea of the two great subjects about which archæology has most to tell us—prehistoric Italy and the imperial administration. Into these he has skilfully worked the results of the discoveries, the bulk of which belong to our own time. The systematic study of Roman antiquities has indeed been in progress ever since the Renaissance, but the latter half of the present century has seen an unprecedented increase in the archæological material ; while in one department, that of the prehistoric remains in Italy, it can claim a monopoly. We are now able to trace a distinctive Italian civilisation back to the earliest settlements of immigrants in the valley of the Po, to watch its gradual diffusion over the peninsula, and to distinguish the elements in it which were original from those which it borrowed from the Aegean culture. Later there comes the Etruscan episode ; and here it is interesting to notice that, as in other cases, tradition is confirmed by the evidence of archæology.

The ancients told how the Etruscans came from the east : archæological evidence is now accumulating to confirm the legends. . . . Researches in Etruria prove that the earliest Etruscan civilisation resembled that which prevailed in the eastern Mediterranean in the last days of the Aegean period.

'The bulk of what we know about the Roman empire is supplied by archæological evidence.' Mr. Haverfield describes the way in which this evidence has been accumulated and organised. First and foremost comes the 'Corpus of Inscriptions,' 'the greatest work of learning executed during the nineteenth century.' Then there is the record of exploration in the vast area which is included within the empire, embracing such different subjects as town life at Pompeii or in northern Africa, and the frontier defences as seen in the Germanic 'Limes' or the camp towns on the Danube. Finally, in a series of select examples, Mr. Haverfield shows how this evidence has built up our knowledge of the empire. These are, the officials of the imperial service ; the development of an absolute monarch out of the *princeps*, as illustrated by the growth of the palace on the Palatine ; the extension of municipalities in the provinces, accompanied, in the west, by a uniformity of culture ; and the organised defence of the frontiers. The picture thus constructed, though necessarily imperfect

(religion, *e.g.*, is barely alluded to), is very successful in bringing together all that was best and most important in the imperial system.

The subject of early Christianity as affected by archæology naturally falls into two parts, the historical criticism of the New Testament and the condition of the church in the time before its recognition by the state. In neither case is the evidence abundant, but in some respects it is more so for the former than the latter; and here it is curious that a considerable proportion of it is literary. The recently discovered 'Sayings of Jesus' is an example. The importance of the papyri, however, consists rather in the possibilities of future discoveries than in any very positive gain at present. The rest of the evidence is largely, as we saw was the case with the Old Testament, indirect. Here some of the most important contributions are those of Professor Ramsay, and Mr. Headlam has made the most of them. In one case, that of Ramsay's theory about the date of the Nativity and the census of Quirinius, he is almost too ready to accept an argument which, to us personally, always appeared rather suggestive than convincing. The bulk of the archæological evidence about the early church is in the form of inscriptions. As compared with those that illustrate other departments of ancient life their number is disappointingly small and the results often inconclusive. How little historical information does an early Christian epitaph generally contain as compared with the tombstone of a Roman soldier or state official! Later, of course, they become comparatively abundant and instructive, but for the period about which we know least they are painfully rare and meagre. Professor Ramsay's finds in Phrygia (which Mr. Headlam describes in his second section) would add materially to our knowledge if the epitaphs, *e.g.*, of Eumeneia could be confidently accepted as Christian. At present, in our humble opinion, that must be regarded as doubtful. Finally there is the mass of epitaphs from the Roman catacombs, supplemented by the wall paintings, of which Mr. Headlam gives a short sketch.

The statements in the book, as might be expected from the contributors, are practically free from errors. The deficiencies, if there are any, are in the form of omissions. But it is not easy to blame where the task of selection becomes so difficult. One instance that occurs to us is that of the exploration of Jerusalem and Palestine, especially as affecting the later Jewish history. Generally we can feel nothing but admiration for the amount of fact and suggestion which has been brought together in the volume.

G. McN. RUSHFORTH.

Egyptian Chronology. An Attempt to conciliate the ancient Schemes and to educe a rational System. By F. G. FLEAY. (London: David Nutt. 1899.)

DOUBTLESS it would be of very great interest to decide finally whether Menes began to reign in the sixth or the third millennium B.C., to settle the main outlines of Egyptian chronology from his time to the eighth century B.C., and to present a table of contemporary events in early times in Egypt, the Mesopotamian valley, and Syria. But how is it to be done? Most Egyptologists have learnt to distrust 'utterly' the evidence of the

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Greek writers in regard to dates beyond the last eight hundred years B.C. Manetho has been an invaluable guide in the arrangement of kings and dynasties, canons of which were handed down from ancient days, and wherever the monumental evidence is available it confirms the order of succession as given by him. But for absolute chronology he is entirely untrustworthy, and as to questions of contemporaneity of reign he is silent. Of his chronicle of events the excerpts from his work give little, but what they have preserved shows that his sources of 'history' were not the monuments which surrounded him, but idle legends of which samples remain to us on papyri of all ages to illustrate his statements and his stories. How, then, is the chronology to be ascertained? Egyptian records are dated merely by regnal years, and apparently regardless of co-regencies. Such datings we may collect; for some periods they are numerous, and there are cases in which we know from contemporary documents the precise duration of a reign. Further, if the famous Turin papyrus had come down to us complete we should have had a comparatively early, and probably in many cases a correct, statement of the length of each reign down to, perhaps, the beginning of the nineteenth dynasty. But out of some four hundred preceding reigns the shattered papyrus gives us the duration of some two dozen only. If any fortunate accident were to reveal another complete copy of the canon, the historical gain from the discovery would be enormous; but to compile the chronology we should still require to know how far the reigns were contemporaneous, and apparently the Turin papyrus gave no information on this head. Here again the contemporary monuments occasionally come to our aid, but, except for one or two of the most brilliant dynasties—the twelfth and eighteenth, for example—there is no solidity about our information; at the best there are obscure points involving differences of many years for a dynasty. In 'Memphis and Mycenae' Mr. Cecil Torr has made a careful statement of the monumental evidence reaching back to the beginning of the twelfth dynasty. Many additions and corrections might, however, be made, and to the present writer that author seems decidedly too niggard in his allowance of probabilities even for *minimum* dates.

There is still another quarter towards which we look for help. Astronomy can fix absolutely the dates of recurrence and periods of change in celestial phenomena, and if we can furnish a record of any such events dated in the Egyptian manner astronomers can give us a date to correspond, or a series of dates from which to select the most likely. This method has long been practised, and not without success; the most conspicuous and promising instances of its application concern the heliacal rising of the Dog Star. With this event the Egyptian year properly began; but as that year was only 365 days long instead of 365½ it lost a day in every four years, a month in every 120, and so on until the agricultural seasons no longer corresponded with their proper months: after a period of 1,460 years the beginnings of the official and agricultural years would again exactly coincide. This year of 365 days was in regular use for dating at least from the twelfth dynasty onwards, and earlier traces leave little doubt that it was so throughout Egyptian history. The festival of the 'Coming Forth of Sothis'—or the Dog star—is with the greatest probability supposed to have been held yearly on the occasion of

the heliacal rising, and we now have one regnal date in the eighteenth dynasty, and another in the twelfth—the latter discovered only last year—on which the festival was held. In the first instance it fell on the ninth day of the third month of summer; and, as we know the equivalent of this date in our modern calendar for several centuries B.C., it is calculated that this particular heliacal rising of the Dog star in the eighteenth dynasty must have happened in 1546 B.C.—in the reign of Amenhotep I. Perhaps the underlying assumption that the Egyptians were never induced to re-adjust their calendar to the seasons is hardly justifiable; if such readjustments were permitted the calculation is, of course, hopelessly vitiated. However, the date for the eighteenth dynasty obtained by this calculation is in very reasonable accord with the sequence of Egyptian history. But the date of 1876 B.C., which is now similarly obtained for Useratesen II, of the twelfth dynasty, will surely stir up strife among Egyptologists. In any attempt to fix the dates by astronomical data from Egyptian records two large assumptions are made: first, that the record in question is correctly interpreted, apart from the mere literal meaning; secondly, that no arbitrary interference was ever made with the steady movement of the Egyptian calendar. It is obvious that a great increase of material is required before certainty can be arrived at through the mutual confirmation of different astronomical data.

Mr. Fleay's chronological scheme is based on other considerations, and is for the most part an adjustment of the Greek numbers with the monumental evidence. A century hence it will be of some interest to posterity to note how far those numbers tally with the historical facts which will then be ascertained; but in the meantime it seems, to the present writer at least, labour in vain to argue from them for a true chronology. For his Egyptian material Mr. Fleay has had to depend on data provided by others. The real purport of the 'Sed festivals,' or *τριακονταετηρίδες*, is very obscure. Apparently Mr. Fleay assumes them to have marked periods of twenty-eight years, in the course of which the calendar would alter by a week. We do not, however, find that seven days had a calendrical importance in Egypt, nor any recognition of the lunar month of twenty-eight days; thirty years, or, so to speak, a month of years, seems more in accord both with Egyptian practice and with the Greek term *τριακονταετηρίς*, giving also seven and a half days' shifting of the calendar—i.e. one quarter of the calendar month. Moreover Sed festivals were generally celebrated in, or close upon, the thirtieth year of a king, apparently as a jubilee is reckoned from an accession, not from any astronomical occurrence; sometimes, if the reign were long, it was renewed at intervals of three years. In one case—that of Queen Hatshepsut—it was celebrated in the fifteenth year of a reign, perhaps as a kind of 'silver' jubilee. It has been conjectured that the Sed festival was counted from the proclamation of the king as *heir* to the throne. In some instances no satisfactory explanation of its occurrence is forthcoming. The matter requires thorough investigation. Another unproved assumption pressed into the service of Mr. Fleay's argument is that in the Old Kingdom the year was of 360 days only. To prove the assumption wrong is perhaps at present impossible, for scarcely any dates exist on contemporary monuments. Many will be interested to

follow Mr. Fleay's ingenious reasoning, and his explanations of the Greek numbers, in order to see what can be done with them. But it will prove somewhat of a drawback to their comfort that he supposes them to be acquainted with the bibliography of the subject, and consequently gives scarcely any references.

F. LL. GRIFFITH.

Documents relatifs à l'Histoire de l'Industrie et du Commerce en France.
Par GUSTAVE FAGNIEZ. (Paris: Picard. 1898.)

THIS is a volume in the well-known 'Collection de Textes pour servir à l'Etude et à l'Enseignement de l'Histoire,' and is fully entitled to a place in that good company. In the space of three hundred pages M. Fagniez gives two hundred and eighty extracts and documents illustrative of Gallic and French industry and commerce between the second century before and the fourteenth after the Christian era. The editor's name is enough to assure us that the selection is well made, and his chosen documents make us feel the darkness of the dark ages as no amount of picturesque narration could. The tenth century is represented by only two extracts: the one relates to the decoration of a church, the other to the manufacture of soap. When the morning dawns and the signs of industry become more numerous, then we begin to receive from M. Fagniez documents for which English students should be very grateful, for some of them were heretofore to be found only among the proceedings of antiquarian societies, or in other places where an Englishman is not likely to look. Clearly France, or rather southern France, was far ahead of contemporary England in the development of mercantile documents.

Not the least interesting extract consists of the very ancient statutes of the gild merchant of Saint-Omer (p. 105), and as these are important to us in this country we will venture to question the correctness of the text, even at the risk of noticing some mere misprints. The statutes begin thus (our emendation stands in brackets):—

Si quis mercator manens in villa nostra vel in suburbio in *gildam* nostram intrare voluerit [noluerit] et pergens alicubi deturbatus fuerit vel res suas amiserit vel ad duellum fuerit provocatus, omnino nostro carebit auxilio.

The merchant of this town who will *not* join our gild, and who goes elsewhere and there gets into trouble, must not expect any help from us. Here is one reason why a man should join our gild. Another is given in the next sentence, and of this sentence M. Fagniez thinks worse than we think. If a man who has not the gild sets a price on any wares with a view to purchasing them (*aliquam waram . . . taxaverit*), and a man who has the gild comes up, then this 'merchant' (that is, this member of the gild) may buy what the non-gildsman has 'taxed,' although the non-gildsman protests (*eo nolente mercator quod ipse taxaverat ermet*). (Grammar notwithstanding, we submit that *ipse* is not the *mercator*; but M. Fagniez seems to think that the sentence, as it stands, is nonsense, and proposes what looks like an unnecessary amendment. Then the next sentence deals with the case in which a gildsman is buying and another gildsman intervenes. In that case the latter can claim a share in the

bargain according to a rule well known in France and England. The rule at Saint-Omer only obtained, so we understand, if the purchased thing was not victuals and was worth a certain minimum price. Here the text, as given by M. Fagniez, runs thus: *Si quis vero gildam habens mercatum aliquod non ad victum pertinens valens v. gr. s. et suprataxaverit . . .* Surely this should be *valens v. grossos solidos et supra, taxaverit . . .* We should say in English 'worth five great sous and upwards,' though perhaps we ought to say 'or upwards.' In his valuable book on the 'Gild Merchant' Dr. Gross has printed these statutes, having gone to the same source as that whence M. Fagniez drew them. He agrees with us in reading *noluerit*, but for him, as for M. Fagniez, *suprataxaverit* is a single word.

Be these small matters as they may, we have here a very useful and a very cheap book. A parallel collection for England would be well worth having.

F. W. MAITLAND.

The Heart of Asia: a History of Russian Turkestan and the Central Asian Khanates from the Earliest Times. By FRANCIS HENRY SKRINE and EDWARD DENISON ROSS, Ph. D. (London: Methuen. 1899.)

THIS is really two distinct books in one cover—distinct less in subject than in method and treatment. Both authors are concerned with the history of what is vaguely called Turkestan, or rather more precisely Transoxiana; but whereas Mr. Skrine writes of the Russian absorption of the Turkish khanates and the present condition of the country under Russian rule from the point of view of the well-informed traveller addressing the general reader, Professor Ross traces the history of the many dynasties that have ruled and passed away beyond the Oxus from the time of Alexander the Great to the amir Nasr-Allah, 'the Bokharan Nero,' with the minute research of an orientalist writing for students. Both parts and both methods have their value, but they do not assort well in a single volume. To take the earlier part first, one can scarcely overpraise Mr. Ross's admirable summary of a long and complicated course of history. Vambery's 'Bokhara' has hitherto been the usual authority for students unacquainted with oriental languages, and with all its imperfections it bears the stamp of its author's genius; but one has only to compare fifty pages of it with Mr. Ross's work to see the superior accuracy, completeness, and scholarliness of the later book, which must now take rank as our best guide to central Asian history in Mohammadan times. Mr. Ross's great advantage is in the wide range of his authorities and the recent progress of research. His own translation of the 'Tarikh-i-Rashidi' has accustomed him to many of the ethnographical and geographical difficulties which beset the historian. His oriental training enables him to use freely the Arabic and Persian authorities, and to them he adds a familiarity with the researches of Russian scholars, such as Grigoriev, Shukovski, and Veliaminov-Zernov, who have done much to clear up obscure points of central Asian antiquities. A special feature in the book is his use for the first time of the recently completed Arabic text of Tabari printed at Leyden. It is true that his pleasure in translating this im-

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portant source has so carried him away that he has given a totally disproportionate space to the early governors of Khorāsān under the caliphs, and especially to Kuteyba; but, as he observes in excuse, Kuteyba's brilliant career and dramatic end have never before received justice at the hands of historians. Mr. Ross's authorities are generally excellent, and it is not often that he has to fall back upon secondhand references, though he sometimes uses Price's paraphrase instead of Mirkhwānd or Khwāndamīr, and we have once or twice detected references to Boulger and 'Rollin—see also Quintus Curtius.'

The earlier part is the fuller and better founded, and, if one may hazard a guess, it looks as if Mr. Ross had designed a history on a larger scale, and found himself obliged to reduce his plans after the death of Chingiz Kaan; or perhaps he is more interested in the Arabs and Persians, and even Persianated Turkmāns, than in the Mongols and their barbarous successors. However this may be, he gives 125 pages to the first 624 years of the Hijra, and 44 to the next 536 years, and only 18 to the last century of Muslim rule. We do not complain of this lack of proportion, because the earlier history stood in greater need of accurate treatment; but we should have liked to see the whole work carried out on a uniform scale. Mr. Ross may, perhaps, some day enlarge upon his present excellent foundations; and it is in this hope that we point out a few oversights which he will doubtless correct in his next revision. The Hijra was reckoned from the 16th, not the 6th, of July (p. 35), and Mohammad died in the 11th, not the 16th, year of the Hijra (p. 36). The 'princess named Khātūn' (p. 40) should surely be princess *or* khātūn. Mr. Ross spells the dirhem in the Persian manner, but why does he say (p. 40) that 'the direm, derived from the Greek drachma, contained 25 grains of silver, and was worth about 5*d.* of our money'? He is writing of a date before the introduction of a purely Arabic coinage, but his authority, Tabarī, was probably referring to the dirhems of the early caliphate, which weighed about 48 grs. of nearly pure silver, and, at 14 to the gold dinār, were equivalent to about 9*d.* If he meant Sāsānian dirhems the value would be about the same. On p. 43, line 12, there is a 'Mohammad' slain who is not elsewhere referred to or explained. On p. 124 the statement that the progress of the Mongols 'was stayed by western skill at the memorable battle of Leignitz' reverses the fact as well as the spelling; for at Wahlstatt, near Liegnitz, the Mongol army won a signal victory over 'the dukes of Silesia, the Polish palatines, and the great master of the Teutonic order, and filled nine sacks with the right ears of the slain.'¹ The reviewer is particularly bound to correct this, as the mistake possibly arose from a similar slip in his 'Mohammadan Dynasties,' which Mr. Ross frequently cites. The dates on p. 130 do not tally: '1055' should be 1057. 'Alptagin' (p. 132) should be Alp-Arslān; 'Tokhtamish,' Töktamish; 'Kokand,' Khokand. The titles of books are occasionally misquoted, as Muir's '*Decline and Fall of the Caliphate*' (p. 38), Noldeke's '*Sketches from Persian History*' (p. 103), and Weil's '*Geschichte der Khalifen*' (pp. 87, 99). '*Journal Asiatique*,' *série nouvelle*, stands presumably for *série ix^e*. There is an odd misprint in a line from Juvenal, *timenduaes* (p. 214), which may be set down

¹ Gibbon, ch. lxiv.

with Mr. Skrine's 'Pelusum' (p. 225), and 'Methodus' (p. 227), among the errata. The group of dervishes—one of eight reproductions from M. Verestchagin's characteristic drawings—said (p. 171) to form the frontispiece really appears at p. 170. Corpus men will not be flattered by the vague reference to one of their distinguished predecessors as 'an Oxford professor named Greaves,' but will be grateful to Mr. Ross for not miscalling him, as too usually, Graves. The death of Timūr is stated on p. 172 to have occurred in 1404, but on p. 390 Mr. Skrine gives it correctly as 1405. The inconsistency is merely due to the fact that the year 807 of the Hijra, in which the event took place, extended from July 1404 to June 1405, and that Mr. Ross did not ascertain the month. Such very slight slips as we have detected are really proofs, by their rarity, of the general accuracy of this excellent historical digest.

Turning to Mr. Skrine's chapters on Russian Turkestan, which form the second half of the work, we find a brief sketch of the 'Making of Russia;' four chapters describing the Russian campaigns against the khanates, founded upon the works of Stumm, Ney, Moser, O'Donovan, &c.; and then six chapters on the present condition of central Asia under Russian rule as studied by the author on the spot. The historical summary of Russian expansion is useful, but not original; Mr. Skrine's personal observation, on the other hand, has the value of first-hand evidence by a competent witness. An Indian civil servant is, in many ways, peculiarly fitted to judge the merits and defects of such a system of government as Russia has established over the decayed khanates, and Mr. Skrine's remarks will be studied with attention. His verdict is decidedly favourable to the Russian system, as indeed are the reports of all who have thoroughly investigated it. But whilst admiring the general principles of Russian administration, by which 'the problem of local self-government has been solved, and indigenous institutions have not been ruthlessly trampled upon,' he regrets the 'attitude of *laissez faire*' in regard to education, and thinks that, on the other hand, 'the process of russification has been pushed with excessive zeal. Local colour and racial characteristics have been swept away . . . structures which made the cities of central Asia the theme of eastern poets have been suffered to lapse into hopeless ruin.' He criticises the commercial policy from the economic point of view, and his chapters are full of statistics. The dates of the various stages in the Merv railway are confused on pp. 311-2, and there are some statements inconsistent with Mr. Ross's earlier chapters. Mr. Skrine writes clearly and sometimes rather eloquently, and his account of Russian central Asia is a valuable contribution to contemporary history.

STANLEY LANE-POOLE.

Yule and Christmas: their Place in the Germanic Year. By ALEXANDER TILLE, Ph.D. (London: D. Nutt. 1899.)

IN this interesting book the author discusses, with abundant learning and industry, and certainly with no lack of independence of judgment, the principal questions relating to the primitive German computation of time, and to the traces which it has left in the popular calendar of England, Germany, and Scandinavia. Dr. Tille maintains that before they came

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into contact with Roman civilisation the Germanic peoples knew nothing of a reckoning of time by months, or of a division of the year into four seasons. Their year was divided into six 'tides' of sixty days each. The evidence on which this statement is based is the frequent occurrence in historical times of a practice of giving the same name to two successive months. The Old English calendar, for instance, had two months called *Līða*, identified by *Bæda* with June and July, and two months called *Yule* (*Geola*, in *Bæda Giuli*), identified with December and January. The sixth-century fragment of a Gothic calendar gives 'the former Yule' (*fruma Jiuileis*) as the equivalent of November (*Naubaimbair*). The sixty-days period Dr. Tille considers to have been of non-Aryan origin, probably connected with the sexagesimal numeration of Babylon; and the names of the tides, *Yule* and *Līða*, he believes to be themselves of non-Aryan etymology. The Germanic New Year's Day was at the beginning of winter.¹ For the larger division of the year into seasons two different systems prevailed concurrently, the primitive Aryan division into winter and summer and the partition into three seasons referred to in a well-known passage of Tacitus. Of the three seasons mentioned by the Roman writer we know the native names of two only, 'winter' and 'summer;' the Germanic equivalent of *ver* is lost, for the West-Germanic word 'lent' is asserted by the author to be of later origin, as its etymology connects it with the vernal equinox, with which the primitive Germans were unacquainted.

Shortly before the Christian era, according to Dr. Tille, the Germanic peoples became acquainted with the pre-Julian Roman calendar, and partly remodelled their year under its influence. That is to say, they adopted a year of twelve months, rectified from time to time by the addition of an embolismic month, which, however, was not inserted, as among the Romans, after February, but after 'the second *Līða*,' corresponding approximately to July. This later year, described with some inaccuracy by *Bæda*, continued in use until the conversion of the Germanic peoples to Christianity. It seems to be implied by Dr. Tille's arguments that the ancient modes of division into two and into three seasons, and into 'tides' of two months, remained unchanged, and that the year still began with the winter season. On the conversion of the Germanic nations to Christianity they, of course, adopted the Julian calendar, with its four seasons determined by the solstices and equinoxes. But this alien mode of calculation took little hold on the popular mind. For the ordinary purposes of life, for law and agriculture, the year long continued to be divided into three or two parts, not into four; and the custom of counting the years from the beginning of one winter to that of another is not even yet wholly obsolete. As the primitive Germanic calendar knew nothing of the four astronomical epochs, Dr. Tille denies

¹ Dr. Tille usually speaks as if he thought that the Germanic year contained invariably 360 days, but towards the end of the book he says that it consisted of '360 or perhaps 366 days.' On either supposition the seasonal date of New Year would soon have moved far away from its original position, unless it was periodically readjusted. Unfortunately the author nowhere mentions the process of intercalation (or the reverse) by which the artificial year was brought into approximate accord with the solar period.

the possibility that there can have been any heathen Yuletide festival. The ceremonies of *Modranicht* ('the Mothers' Night'), which Bæda says were observed at the time of Christmas, were of Christian, not of heathen origin: they were superstitious rites in which the English matrons commemorated the maternity of the Virgin.

Some few of the propositions of Dr. Tille's elaborate construction of the history of the Germanic calendar seem to be fairly well established. He is probably quite right, notwithstanding some distinguished authority on the other side, in believing that the solstices and equinoxes, and in general the four seasons, had nothing to do with the primitive Germanic year. The evidence for the twofold reckoning by winters and summers and by winters, springs, and summers is overwhelming. But I see no reason for assuming that the three seasons were each thirds of a year, beginning and ending at a fixed numerical date. Even in the present day 'summer,' 'spring,' 'autumn,' or 'winter' has, in popular apprehension, no clearly defined dates of beginning or ending; we all know very well that the dates assigned in our almanacs are not practically recognised, but we never think of attempting to fix any precise day when the season *does* begin or end. I cannot help thinking that it was much the same with our ancestors, and that when they spoke of 'summer' or 'winter' they did not mean a period of exactly such or such a number of days, months, or 'tides.' Dr. Tille's contention that the Germanic year was meant to begin at the beginning of winter has a good deal of support in the fact that in Germany and England the year was, for many purposes, reckoned from Martinmas to Martinmas, while in the higher latitudes of Scandinavia the date was naturally a month earlier. But it is not an unheard-of thing for the year to have more than one time of beginning, among one and the same people, according to the purpose in view; and the fact that the intercalary month of the heathen English calendar was inserted after 'the second Liða' seems to show that when the calendar was first framed that month was the last of the year, just as the time of intercalation of *Mensis Mercedonius* would suffice to prove that the Roman 'decemviral' year ended with February.

Dr. Tille is, I believe, justified in assigning to the prehistoric Germans the division of the year into six 'tides;' but there is no sufficient foundation for his notion that this reckoning was of non-Aryan origin. In the first place it is merely an unproved (and in the nature of things indemonstrable) assumption that the 'tide' consisted of *exactly* sixty days; and unless it did so the suggestion of connexion with the sexagesimal numeration falls to the ground. It is perfectly possible that the 'tide' originated in a pairing of successive lunar months; and a conceivable reason for such pairing might be that two lunations form a constant number of days, while one lunation does not. If this were the origin of the 'tide,' we need not be surprised to find traces of it in the calendars of non-Aryan as well as Aryan peoples; and there remains, therefore, no ground for assuming that the Germans borrowed it from any foreign source. Something, however, must be said about Dr. Tille's assertion that the 'tide' names, Liða and Yule, are of non-Aryan etymology. So far as the former is concerned it is certainly not the fact that 'no plausible Aryan derivation' has hitherto been found for it. The

Old-English adjective *līðe*, 'blandus' (Germanic type *linpio-*), surely yields a sufficiently appropriate designation for a period which, according to Dr. Tille himself, extended from mid-May to mid-July. The etymology of Yule, it must be confessed, is much less transparent. The forms in which the word appears in the various languages may, setting aside some mixed formations, be reduced to two primitive Germanic types, *jehwlo-* (Old English *geohhol*²) and *jeulio-z* (Gothic *jiuleis*, Old Norse *ylir*), the latter being a regular ('Verner's Law') derivative of the former. The pre-Germanic or Aryan root would be *yeq-*. Professor Bugge, whose view the author quotes to reject it, compares the Latin *jocus*, which contains a root of the required form. I do not see any great improbability in the supposition that the period of the year which the many hours unavailable for work made especially appropriate for festivities may have been named from this circumstance. On the other hand it has been pointed out that the normal phonetic representative of *jehwlo-* is found in the Old Norse *el*, a snowstorm; and although we are not in a position to discover a root of the form *yeq-* with any sense capable of yielding a derivative of this meaning there is a clear possibility that the primary reference may have been to climatic conditions. It is, of course, conceivable that the sense 'snowstorm' may be derived from that of 'mid-winter period,' in which case Bugge's etymology may still be correct.³

A curious fallacy appears to exist in Dr. Tille's argument intended to prove that the Gothic and Anglian Yule began at mid-November. He points out that Bæda identifies this period with December-January, and the Gothic calendars with November-December; and he urges that this discrepancy can only be accounted for by supposing that a 'tide' which began at mid-November was accommodated to the Julian reckoning by Goths and Angles independently, the former moving its beginning a fortnight backward and the latter a fortnight forward. The inference would be valid if it could be assumed that the popular Germanic year in the sixth and seventh centuries was precisely of Julian length. But Dr. Tille has, on the contrary, accepted Bæda's statement that it was a year of twelve lunar months rectified by an embolismic month at intervals. On this supposition the Julian date of the beginning of any German month or 'tide' would vary by as much as thirty days, according to the year selected for comparison. Besides, we do not know whether the intercalation was carried out in the same way amongst the Angles and amongst the Goths, nor whether it was on a sufficiently correct principle to prevent a material alteration of the seasonal dates of the months from taking place in a century or two.

The proposition that the Germans knew nothing of months until they learned this division of time from the Romans is hard to accept, in view of the well-known Germanic habit (noticed already by Caesar) of

² Not, by the way, *geóhhol*, as Dr. Tille prints.

³ The comparison of Yule with the *Ἰούλιος* of the Cyprian calendar ought to be abandoned. A glance at the list of month names, *Ἀφροδίσιος*, *Ἀπογονικός*, *Διτικός*, *Ἰούλιος*, *Καίσαριος*, *Σεβαστός*, *Αὐτοκρατορικός*, &c., is sufficient to show that the list was framed in compliment to the imperial house, and that *Iulius* comes in its necessary order of sequence, so that its coincidence with December-January is sufficiently accounted for.

reckoning by nights instead of days. What grounds Dr. Tille has for his paradoxical assertion I cannot discover. Certainly the absence of common Germanic names of months is no evidence in its favour. The ancient Germans may have had months, and yet may no more have felt any need for naming them than we feel a need for naming the weeks of the year. When a two-month period had obtained a name its halves would be sufficiently designated by being called the 'former' and the 'latter' month. Here and there a particular month may have acquired a descriptive nickname, just as we speak of 'Holy Week' or 'Christmas week,' though we have no regular list of names of weeks. The most likely supposition, after Dr. Tille's book as before it, is that the Germanic year consisted of twelve lunar months, reconciled with the solar period by some rough and ready embolismic contrivance.

Dr. Tille's explanation of *modranicht* is more brilliant than convincing. *Bæda* was born less than half a century after the conversion of his native Northumbria to Christianity, and it is hard to suppose that he has mistaken a superstitious observance of Christian origin for a solemnity practised by his heathen ancestors. With his view of the nature of the heathen English year his assignment of *Modranicht* to 25 Dec. can only be meant to mark the approximate date. His testimony that there was a heathen festival about the middle of the Yule period need not be rejected, even though the nature and object of the ceremonies he alludes to may be beyond the reach of conjecture.

One or two linguistic points may be mentioned. The note at p. 42 seems to have been written under the misconception that the word *tritinga*, discussed by 'Fleta,' is the equivalent of the Old German *breidinge*, meaning the three terms of the year. What is referred to is, of course, the (*th*)*riding* as a territorial division of Yorkshire and Lincolnshire; the word represents the Old Norse *þripjügr*. The conjecture that the Old Norse *haust-r* is a corruption of the Latin Augustus is very improbable; some notice should have been taken of Noreen's attempt to obviate the difficulties of connecting it etymologically with *harrest*. In the Old English extracts Dr. Tille has adopted the odd practice of writing *th* or *dh* just as he happens to find *þ* or *ð* in the particular text before him.

Although this article has been almost wholly occupied with unfavourable criticism, I gladly acknowledge the value of Dr. Tille's able and painstaking collection of the facts, and the acumen which he has in many instances displayed in their interpretation. I think the main outlines of his theory are unsound, but his book contains a great deal that no student of the subject can afford to neglect.

HENRY BRADLEY.

Die alttürkischen Inschriften der Mongolei. Von Dr. W. RADLOFF.
Zweite Folge. *Die Inschrift des Tonjukuk.* Von Dr. RADLOFF.
Nachworte zur Inschrift des Tonjukuk. Von F. HIRTH. *Die alttürkischen Inschriften und die arabischen Quellen.* Von W. BARTHOLD.
(St. Petersburg: Imperial Academy of Sciences. 1899.)

In the ENGLISH HISTORICAL REVIEW for July 1896 an attempt was made to explain the true origin of the Turks, and at the same time attention

was called to the recent discoveries of Turkish inscriptions in the Sogdo-Aramæan form of writing, which those nomads appear to have adopted or adapted during the apogee of their administrative career in the seventh century. The Turkish empire, first welded into effective shape by the khan Tuman, fell to pieces in A.D. 630, when his descendant, Gheri, was defeated and placed in honourable captivity by the Chinese; he died of a broken heart, like a bird in a cage, in 682. For fifty years the whole of Turkdom was then more or less effectively administered by Chinese proconsuls, in many cases absentees, who left most of the work on the spot to be done by their stewards or secretaries; and these secretaries in turn appear to have practically allowed the Turkish chieftains allotted to their absentee masters' respective proconsulates to govern their own tribes after native custom. All that the imperial government seems to have cared about, or at any rate to have achieved, was the effective working of the post roads, the keeping open of communication and supply routes, the immunity of the Chinese frontiers from raiding, and the fostering of disunion and jealousies amongst the rival Turkish tribes; there is nothing either in Chinese history or in the Turkish inscriptions to show that (beyond the military occupation of certain advantageous pivot posts) the Chinese administration made any effort to civilise or assimilate what we should now call Mongolia, Sungaria, and Kashgaria, even to the limited extent that the reigning Manchu dynasty has done in very modern times. But, after half a century of this loose system of suzerainty, the restless Turks began to chafe under the corruption and caprice of their nominal masters, and a grand-nephew of Gheri, named Kutlug, succeeded in 682 in establishing himself once more as independent khan. In this enterprise he received important assistance from a person known to the Chinese as Asete Yüan-chên, who had been an hereditary tribal ruler, under the Chinese proconsul's agent, at a spot not far from Marco Polo's Tenduc (T'ien-têk), near the Great Wall in the North Shan Si of our day. According to the Chinese, this Asete was killed a few years later during a war waged by his master, Kutlug, against the Türgäs branch of the western Turks; and the khan himself died in 692. Though he had left two sons, Meghkren and the *teghin* Köl, the rights of these lords were ignored by their uncle, Meghchör, the brother of Kutlug; and Meghchör reigned with great glory until 716, when he was slain in an ambush by a fugitive band of the Bayirku tribe of Ouigours. The *teghin* Köl now made a *pronunciamiento* in favour of his elder brother, Meghkren, the rightful heir; slew the whole of his deceased uncle's relatives and political party; and set up his brother as Bilga Khan. During Bilga Khan's reign of eighteen years he was assisted in civil matters by an aged statesman named Tunyukuk, and in military matters by his own younger brother, the *teghin* (=prince of the blood) Köl. Tunyukuk's daughter had married Meghkren, and consequently, when the latter became Bilga Khan, his wife became the Bilge Khatun; it was for this reason that Tunyukuk, who had been minister of state to Meghchör, alone escaped the general massacre of that usurper's adherents; but even he was exiled to his tribal appanage near the modern Kiachta and Urga, only to be urgently recalled immediately afterwards when Bilga found his empire in imminent danger from a threatened coalition

This is a purely Chinese account, eked out, so far as the correct pronunciation of several Turkish words is concerned, by reference to the original Turkish; and the Chinese and Turkish inscriptions discovered about a decade ago were imperially sanctioned stone tablets in honour of Pi-lia (Bilga) and K'üeh (Köl), together with native Turkish compositions, recounting the doughty deeds of those two heroes, which have with marvellous ingenuity been deciphered by Professor Thomsen of Copenhagen and Dr. Badloff of St. Petersburg. Except in minor points—such as exact dates, precise family relationships, true meaning of titles, tribal names, situation of places, and so on—the agreement of these inscriptions with recorded Chinese history is absolute, and it is not necessary to say anything more on that question here.

The latest important discovery was made by Madame Klementz but two years ago, when this lady was travelling with her husband along the line of the Russo-Chinese frontier. At Bain Tsokto, near the river Tola, about thirty miles east of Urga, she came across the stone sarcophagus of Tunyukuk, together with two square pillars recording in Turkish, and in his own words, Tunyukuk's great services to Elteres Khan, and also (more shortly) the fact that Elteres' brother, Kapagan Khan, had raised Turkdome once more to its pristine splendour. Tunyukuk specifically tells us that he wrote these words after the death of Kapagan, during the reign of Bilga Khan, and the whole tone is one of lamentation at having been dismissed in his old age after such services to the Turkish empire. The inscriptions consist of sixty-eight lines, and describe the various wars with the Tabgatsh (Chinese), Turgas, Bayirku, Tokuz-Uguz (Ouigours), Kitans, Tatabi (Hi Tartars), &c., in such terms as to leave no doubt that Elteres and Kapagan are simply the Kutlug and Meghchör of the Chinese, quite apart from the fact that the name Tunyukuk is precisely the same in both Chinese and Turkish script, and the name Bilga also indirectly the same.

The limited space available here for discussing the numerous thorny questions which arise out of this most recent and remarkable discovery does not permit of any inquiry into the identity of this or that river, mountain, province, or tribe. But there is one point of overshadowing importance raised by Dr. Hirth to which allusion may shortly be made. The Chinese say that Asete Yüan-chên (*i.e.* the Turkish chief of the noble Asete caste, bearing the purely Chinese personal name of Yüanchên), after assisting Kutlug to the khanly throne, was killed in war with the Turgas, and they do not mention Tunyukuk at all until 716, when they introduce him as an old man of seventy, ex-minister of Meghchör, and father of the new khatum or queen. They also say that during the diplomatic negotiations between Bilga and the emperor a certain Asete Tun-Nishuk was sent as envoy: a few sentences before this they had stated that the Chinese policy was to isolate Bilga by coaxing over to China some of his great officers as envoys, thus preventing his military adviser, Köl, and his civil adviser, Tunyukuk, from concocting schemes to China's disadvantage. Dr. Hirth with great learning and acumen essays to show that Tunyukuk was the same person as Asete Yüan-chên, and again the same person as Asete Tun-Nishuk (a misprint, he thinks, for Tunyukuk). It is certainly quite possible that the first

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part may be true, for, whilst the Chinese say nothing of Tunyukuk before 716, Tunyukuk says nothing of himself after 716, and moreover does not mention Asete Yüan-chên, whose services in 682-90, as recorded by the Chinese, seem identical with Tunyukuk's own services at that date as recorded by himself. As to Tun-Nishuk, the difficulties are greater, but they are of a technical nature, not easily made intelligible except in a journal in which Chinese characters can be printed. These and many other difficult and interesting points raised by Dr. Hirth will accordingly be found dissected and examined in the *China Review*, to which readers having a taste for special detail are referred. The object of this short notice is simply to mark another stage in progress, and to lay stress once more upon the trustworthiness of Chinese records.

In the April number of the *ENGLISH HISTORICAL REVIEW* for 1896 there appeared a notice of my work entitled 'A Thousand Years of the Tartars,' which, it is proper to state here, was composed before any of the recent discoveries of Turkish confirmatory evidence had been made. The leading idea throughout that book was to invent Turkish proper names to correspond with the cacophonous Chinese imitations, which were given only in the margin. Exception has been taken to this by Russian and German Turko-Sinologues, though Dr. Hirth is disposed to condone the fault in consideration of its *gute Absicht*, which was simply to make a dry subject less unreadable. In the present notice the names Bilga and Tunyukuk correspond to the Biga and Turrugu of 'A Thousand Years,' &c., whilst Meghchör and Meghkren correspond to Merchör and Mercrin. The first two are proved correct by the Turkish, whilst the second two are still guesses, but 'improved guesses.' In course of time we shall doubtless arrive at the correct sounds of other nomad names, but meanwhile it is hinted where a grain of salt must be swallowed.

E. H. PARKER.

Italy and her Invaders. By THOMAS HODGKIN, D.C.L., Litt.D.
Vol. VII: The Frankish Invasions. Vol. VIII: The Frankish Empire. (Oxford: at the Clarendon Press. 1899.)

WITH these two volumes, which, after a short introductory sketch of early Frankish history, continue the narrative from 744 to 814, Mr. Hodgkin's long task is completed. For this important period, comprising those two epoch-making events, the foundation of the temporal power of the pope and the institution of the Western Roman empire, we have no Ammianus or Procopius, not even a Jordanes or a Paulus Diaconus, and the history of Italy has to be pieced together from the papal biographies and letters and the Frankish annalists. Therefore, though Mr. Hodgkin's work is always exhilarating, we cannot expect to find such stirring narratives as he has given us in the earlier volumes. Especially is this exemplified in the long second chapter of vol. viii., in which he has laboriously put together from obscure allusions in almost unintelligible letters all that can be discovered about the petty disputes between pope and king, which, though of little interest to the ordinary reader, are of the highest importance in connexion with the history of the papal claims. It is refreshing to turn from these dreary details to

the fourth chapter, in which we have an attractive sketch of the court of Aachen, the chief seat of that strange premature renaissance which was introduced into the Frankish empire by the scholars of northern England. Here, however, more use might perhaps have been made of the Monk of St. Gall, who, though of little value as a witness to facts, is an excellent authority for life and character. His sketch of Riculf of Mainz (i. 16-19), with allowance for exaggeration, might well have been added to the portraits of the chief members of the court circle. Mr. Hodgkin's judgment is generally sound, but there are a few points on which it is difficult to accept his pronouncements. It is easy for us, with our knowledge of the sequel, to say that Aistulf's policy was 'most foolish'; but might he not reasonably think that the Franks would abide by their policy of non-intervention, or that an invasion, if there were one, would have no greater results than those of the Merovings? Even in 756 his incredulity was shared by the Byzantine envoys. As to the fatuity of Desiderius, there can hardly be two opinions, and Mr. Hodgkin scarcely brings it out strongly enough; but it is difficult to believe that the pope's envoys brought him no message beyond a 'word of anathema' or that Charles was on the point of returning when the Lombard panic took place. Again, it is doing too much credit to Pope Stephen's humanity, and too little to his statesmanship, to suggest that his mediation on behalf of Aistulf was due to a desire to stay the ravages of war. It was not to his interest that the Lombards should be utterly crushed; for this would leave him helpless in the hands of Pippin. Similarly it is hard to think that Leo III would favour the union of the two empires (viii. 212), which would remove his only possible support against the Frankish power. Again, 'a man of kindly temper' seems an over-favourable estimate of Pope Paul, since the troubles that followed his death are ascribed to his 'exactions and injustices' (vii. 307). On the other hand I cannot but think that in his description of Constantine Kopronymos (p. 252) Mr. Hodgkin has not made enough allowance for the roughness of the times, the cruelty of Byzantine punishments, and the unreasoning fanaticism of his monkish opponents. Constantine seems to have been unable to brook opposition, and to have been fond of somewhat coarse practical jokes; but 'loathing and abhorrence' are terms which I could not connect with him. As to his supposed licentiousness, I do not think there is any evidence beyond the vague abuse of Theophanes. This is not the place to enter upon the vexed question of the donation of Charles, but Mr. Hodgkin's reasons for assigning the life of Hadrian to the time of Lewis seem to me very unconvincing. The peculiarity that it relates only the events of the first few years of his pontificate is shared by that of Leo III, and can hardly be made an argument for a later date, while the inference from the phrase *Carolus magnus rex* is refuted by the note at viii. 37. Perhaps, if we had the text of the donation, the difficulties would vanish.

The strange Latin and Greek of his authorities have in several places led Mr. Hodgkin into error. Thus (vii. 58, note) he speaks of 'detaching Charles from the emperor'; but the subject of *recederet*, as of *sanciret*, is not Charles, but the pope. In p. 190, note 3, two renderings are given for *ut illi placitum fuerit*, both forced, and the first, as it

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seems to me, impossible. The only grammatical rendering (and the biographers do not soar so high above grammar as some other writers) is 'as his (the pope's) pleasure should be.' P. 242, note 2: *Absolvere* only means 'to send away;' cf. ἀπολύειν (viii. 118), and see Ann. Laurias, ann. 798. P. 307, note 1: *Brachio* does not mean 'by show of hands,' but 'by violence.' P. 314, note 2: The context seems to show that *uramentis* means 'adjurations' and has nothing to do with any treaty. P. 355, note 1: *Secum eum hic Roma deduceret* perfectly agrees with *hic Roma eum deferendum*, and I do not see why Mr. Hodgkin wishes to expunge the conveyance to Rome. Also *sacellarius* is 'treasurer,' not 'chaplain.' Vol. viii. p. 37: *Una vobiscum apud dominum apostolicum coniungemus* means 'with you [the missi] we will visit the apostolic lord,' i.e., as always, the pope. P. 47, note 3: *Vestra regalis in triumphis victoria* is 'your royal triumphal victoriousness,' and the grammar is quite regular. P. 73: The incredible expression 'our royal power,' which Mr. Hodgkin puts into the pope's mouth, is due to misquotation. The text is not *nostrae* but *nostra*. P. 118, note 2: Whatever 'an annotator' says, εἰς παράκλησιν cannot mean 'on the feast of the Assumption,' but probably means 'upon the exhortation' (*ad preces* Anast.). In fact the day cannot have been 15 August, for 15 August 797 was a Tuesday, not a Saturday, and in such cases it is always the day of the month which is wrong.

Besides these I have noted several other points in which Mr. Hodgkin's statements seem to be erroneous or insufficient. Thus the statement in the preface that in the partition of 806 the whole of Italy is called Langobardia is due to misunderstanding. *Italia quae et Langobardia dicitur* is the kingdom of the Lombards, often called *regnum Italiae*. The papal states are not included in the partition, but committed to the care of the three sons jointly, which seems to show that, contrary to the statement in vol. viii. 269, Charles did not then intend the imperial title to survive him.¹ In dealing with Frankish affairs Mr. Hodgkin has not made the best use of recent research: thus in the pedigree of the Merovings he has not consulted the articles of Krusch² and Havet,³ but retained the old dates of Mabillon; hence nearly all his later dates are wrong, that of the death of Lothar III being no less than three years too early. Similarly he still cites the Codex Carolinus from the edition of Jaffé instead of from that of Gundlach. In vol. vii. 49 it seems to be implied that the name Charles was first borne by the *maior domus*. We find, however, a Mercian king of the name a hundred years before,⁴ and, as the father of the first Pippin is said in his life to have been Carloman, the element *karl* was probably hereditary in the Austrasian family. With regard to the origin of the name Martellus might it not be pointed out that, according to the monk of St. Gall, the Northmen applied it to Charles the Great? P. 120: It seems to be a misrepresentation of Hahn to say that he gives no authority for the statement that Carloman was succeeded (in name) by his son. He quotes Bonif. Ep. 79. On p. 282 Mr. Hodgkin seems to

¹ See Dahn, *Urgeschichte*, iii. pp. 1096, 1116.

² *Forschungen zur deutschen Geschichte*, xxii.; *Neues Archiv*, vi.

³ *Bibl. de l'Ecole des Chartes*, xlvi. xlviiii.

⁴ Bede, *H. E.* ii. 14.

be in some confusion as to eligibility for the papacy, since he thinks that the rule that no one under a deacon could be elected was complied with by Constantine being ordained deacon after his election. If this were so, the rule would be meaningless. Also a reader might infer from his words that ordination to the presbyterate was not needed. The omission of it in the life is, however, due to the fact that, the election of a deacon being common, it is tacitly assumed. Again, on p. 310 it is stated that cardinal-bishops shared with cardinal-presbyters and cardinal-deacons the right of eligibility. But the translation of a bishop was forbidden by a canon of Nikaia, which, often neglected elsewhere, was strictly observed at Rome till long after this date. P. 299, note 2: The law prevailing among the Goths of Septimania would certainly not be the 'Breviarium Alarici,' which was for the Romans under Gothic rule, but the 'Lex Visigothorum,' which had long been extended to Goth and Roman alike. P. 303: Mr. Hodgkin, while noting that the partition of 768 differed from earlier divisions, does not add that it, as well as that of 806, was probably purposely devised to avoid the division into Romance and Teutonic. P. 313: There is not, I think, any real discrepancy as to the name of Desiderius's daughter. The name Bertrad, given by Creontius and Andrew of Bergomum, was probably assumed at her marriage, a Latin name not being thought fit for a Frankish queen. P. 388: Corsica can hardly have been Lombard, as the Lombards seem never to have had a fleet.

In vol. viii. p. 5, Mr. Hodgkin casts, I think, an undeserved slur on Charles by saying that he took Pampeluna from the king of Asturias, with whom he had no quarrel. It seems to have belonged to the turbulent Basques. P. 8: 'August' is a slip for 'September,' and on p. 119 we have the converse slip. P. 10: The stories about Irene rest on no good authority, and should not be given without a caution. P. 70, note 2: The Grimwald who made a treaty in 814 was not the son of Arichis, who died in 806, as stated by Mr. Hodgkin himself at p. 256. P. 89: Alcuin, as a Northumbrian, was not Offa's subject. Pp. 111, 112: There is no warrant for rendering *μάγειτρος* anything but 'master of the offices.' The *magister praesentalis* did not under that name exist at this time. P. 115: I do not think there is any authority for calling Theodote Constantine's paramour. P. 122: The table of the children of Charles differs in several points from the account of Einhard. P. 172: In relating the outrage on Leo III Mr. Hodgkin does not cite the very probable explanation of Theophanes that the men employed to perform the mutilation purposely avoided destroying his sight. With regard to the charges against the pope, while Epp. Car. 9 and 10 are cited, there is no reference to Alcuin, Ep. 127, in which he speaks of a secret report *de moribus apostolici*. P. 226: 'Caliphs' should rather be 'amirs.' P. 242: Mr. Hodgkin appears to state (though he can hardly mean to do so) that Ecgberht in 802 took the title of king of England. P. 266: Mr. Hodgkin seems to have misunderstood the will of Charles. He says that 'for some unexplained reason' an extra $\frac{1}{2}$ was to be added to the $\frac{2}{3}$ assigned to the churches. But the $\frac{2}{3}$ was to be paid at once, while the $\frac{1}{2}$ was to be paid after his death. He also states that the emperor's family got only $\frac{1}{3}$ of the whole. They got only $\frac{1}{2}$ of the gold, silver, jewels, and royal

robes, but they also got $\frac{1}{2}$ of the utensils of other metals, arms, clothes, &c.

I have noted the following misprints: in the pedigree of the Arnulfings 'Nibelung' for 'Nibelung'; vol. vii. p. 293, line 4 from the bottom, 'his' for 'her'; vol. viii. p. 199, last line, 'Constantine' for 'Constantius.' There is probably also some error in the second sentence of p. 35, which, besides reading oddly, seems to contradict instead of supporting what precedes. A book of this length, however, which covers so wide a field, must contain some errors, and few of those here noted are of great consequence or to any considerable degree affect the excellence of the work as a piece of history. Great, indeed, is the service which Mr. Hodgkin has done both to historical research and to the popularisation of historical knowledge by his narrative of this much neglected period of 450 years. The period of the welding together of Roman and Teuton is perhaps the most important in the whole range of history, and the reproach of dullness will hardly be raised against it by any one who has studied it in Mr. Hodgkin's pages. In the first four volumes, indeed, though he has made the events and characters stand out before us as no one but Gibbon has done before, he is yet on more or less familiar ground; but in the last four he has attacked a period of which no other literary history can be said to exist. Let us hope that his example will stir some successor to give us as good a history of the dark period between Charles and Hildebrand.

E. W. BROOKS.

Le Château Gaillard; Etude de l'Architecture Militaire au XIII^e Siècle. PAR MARCEL DIEULAFOY. (Paris: Klincksieck. 1899.)

WHEN Herodotus came upon two tribes in distant regions of the earth who both practised some curious rite, or maintained some strange social custom, he was wont to speculate as to which had learnt it from the other. This method of thinking has survived into our own century, in spite of the constant proof that similar conditions of life often produce similar results among peoples who can never have had any contact, direct or indirect, with each other. The main thesis of M. Dieulafoy's little pamphlet on Château Gaillard is, we fancy, vitiated by this form of argument. He is an accomplished Assyriologist, and his excavations at Susa and elsewhere are well known. Having studied the methods of fortification practised by the Assyrians and their Persian successors, he finds in them many features—successive concentric lines of wall, donjon keeps, projecting brattices, machicolation, and so forth—which are also to be observed in the best castles of the later middle ages. He therefore proceeds to affiliate the one system of fortification to the other. The thirteenth-century castle, he argues (and here we quite agree), owes its improvements to ideas brought home from the East by the crusaders. The crusaders learned them from the buildings which they found in Syria and Palestine, which were mainly Byzantine. This, again, we should be delighted to grant. But he then proceeds to argue that the Byzantines borrowed their skill in military architecture from the Sassanian Persians, and that the latter inherited it, through the Parthians and Cyrus, from the Assyrians. This is the weak point of his argument. He has not seen that Byzantine architecture is really affiliated to the Roman work of

the East, and this again to the early Hellenic system of fortification. But Greek military building has a clear and logical evolution of its own from Mycenae and Tiryns down to the days of Dionysius of Syracuse and Demetrius Poliorcetes. When each development and improvement can be worked out from the study of Hellenic work of the sixth, fifth, and fourth centuries, we fail to see any reason for deriving its perfected forms from the ancient eastern nations. All the details which M. Dieulafoy holds to be distinctively Assyrian can be found in the best Greek work. Take, for example, Dionysius's *chef-d'œuvre*, the castle of Euryelus. Here we have three external ditches, elaborate flanking fire, a dominant keep, and elaborate προτειχίσματα or outer works. It is to forts of this kind that we must ultimately trace back the Byzantine castles, and not to eastern models. We know no facts at all to support M. Dieulafoy's central statement that the East-Roman builders in the fourth and fifth centuries after Christ suddenly dropped classical forms and borrowed new ones from the Sassanian Persians. Their work is really a development of ancient Hellenic ideas and not a new departure. This affiliation of mediæval to Assyrian architecture being set aside, we have nothing but praise for the rest of M. Dieulafoy's work. As others have shown before him, Château Gaillard presents distinct traces of crusading influence, though Richard I put some new ideas of his own into it. The details are worked out in a very interesting way, and are full of instruction for the student of military antiquities.

A.

Geschichte Manfreds vom Tode Friedrichs II. bis zu seiner Krönung (1250–1258). Von AUGUST KARST. ('Historische Studien,' Heft VI.) (Berlin: Verlag von E. Ebering. . 1897.)

THIS solid dissertation of nearly two hundred pages is even more limited in reality than in title. Dr. Karst deals very shortly with the history of Manfred between his father's death in 1250 and the death of his half-brother Conrad IV in 1254. The few pages he devotes to the narrative of these four years have indeed their justification in suggesting subjects for two excursuses. In the first excursus Dr. Karst maintains with Rodenberg that Manfred and Berthold of Hohenburg really contrived treason against Conrad in July 1251, and in the second he examines the connexion between the punishment inflicted upon Manfred and the sentence of banishment imposed upon his kinsmen the Lancias, maintaining that both sentences date from 1253. The rest of the book consists of a very careful and complete narrative of Manfred's history between King Conrad's death and his own coronation. We do not expect in a work of German erudition any attempt to realise the dramatic possibilities of the story how Manfred, after his humiliating submission to Innocent and his desperate ride from Teano to Lucera had shown the hopelessness of his position, became within four years absolute master of Sicily and Apulia and king in spite of all that the pope, the Germans, the Sicilian nobles, the southern municipalities, and the English alliance could do to prevent him. But it may reasonably be objected to Dr. Karst's sound and careful work that he overwhelms us with so many details of this or that siege, battle, or negotiation, that it is hard to make out clearly the general drift of events. In truth the story of those

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years is puzzling enough to unravel. Berthold of Hohenburg is the sworn partisan of the German faction, yet he intrigues against Conrad and commands a papal army against Manfred even when the latter has become *bainulus* for Conradin. Peter Buffo is sent to Sicily as papal vicar, but speedily turns round and has to deal with a revolt of papalist partisans, and when driven from his government is soon sent back by Alexander IV as commander of the fleet that strives in vain to restore Roman rule in Calabria. The men of Messina throw off the authority of Buffo in the name of Manfred, only to seek to uphold a position of severe independence against the very man whose cause they professed to champion. Even the papal policy, though settled for each individual pope by forces greater than any single man's volition, seems sometimes to swerve from its general course, for Dr. Karst gives good reasons for believing that Alexander IV was quite in earnest in seeking a reconciliation with Manfred in the early part of his pontificate. Manfred himself, whom we have long looked upon as something of a hero, is set on a lower pedestal. Indeed, one of Dr. Karst's main objects is to renew the protest against the glorification of him in Schirmacher's 'Die letzte Hohenstaufen,' a book, by the bye, published in 1871, and not, as a printer's error on p. xiv suggests, in 1817. Dr. Karst ranges himself on the side of Dr. Doeberl, whose interesting and brightly written paper on Berthold von Vohburg-Hohenburg in the *Deutsche Zeitschrift für Geschichtswissenschaft*, xii. 201-75, may well be read in conjunction with the present book. Like Raumer and other earlier writers, Schirmacher has accepted as historic verity the apology for Manfred written by Nicholas de Jamsilla. The errors involved in following Jamsilla are constantly pointed out by Dr. Karst and Dr. Doeberl, and Dr. Karst's correction on p. 126 of a curious slip in translating an absurdly simple Latin sentence increases our prejudice against Schirmacher and all his works. Dr. Doeberl pushed the reaction so far that he was not content with making out an overwhelming case against those who omitted to give Berthold a place in the 'Allgemeine deutsche Biographie.' He regards Berthold almost as a hero, striving with might and main to uphold the dying cause of German ascendancy in southern Italy. To the patriotic German such a view of this commonplace but capable adventurer may seem convincing. The impartial outsider will continue to see in Manfred a more attractive and interesting character. Yet this is no reason for believing the one-sided apologies of a Jamsilla.

A few points on which Dr. Karst has made slight slips or suggested doubtful views may now be collected. It is pedantic, perhaps, to note that 'Ceprano' is the recognised modern Italian form (*teste* the railway guide) for the border town here constantly called 'Ceperano.' It is doubtless a mere slip of the pen that on p. 64 speaks of *der Kardinaldiakon Raynald, Bischof von Ostia und Velletri*. It should, of course, be *Kardinalbischof*. But the short chapter on 'Die Uebertragung Siciliens an Edmund von England' contains several points that we can hardly accept. First of all Dr. Karst starts the new idea that Alexander IV's grant to the young Edmund was limited to the mainland, and that the pope reserved Sicily as a domain of the holy see, just as Innocent IV had done immediately after the flight of Manfred from Teano. But apart from the difficulty, which Dr. Karst himself

recognises, of Innocent's original reservation extending to Calabria as well as Sicily, which former region is admittedly included in Edmund's grant, and apart also from the further difficulty that this reservation of Innocent's suggests a momentary act rather than a settled policy, we cannot see that Dr. Karst has any evidence in favour of his view. In the thirteenth century *Regnum Siciliae* surely means the island, and *totam terram que est citra Farum usque ad confinia terrarum ecclesie Romane* is equally plainly a more precise formula for what Pauli and Schirmacher call, after contemporary usage, 'Apulia,' and what was not called the 'kingdom of Naples,' or 'the kingdom of Sicily this side Faro,' until a considerably later time. And the declaration that the kingdom is indivisible, that comes in the next clause of Alexander's bull, would be foolishly futile if the object of the bull had been to divide Sicily and the mainland into two separate governments. Moreover the clause excepting Benevento from Edmund's authority would surely have been extended to include Sicily if Dr. Karst's hypothesis represented the facts. *Kronprinz Eduard* (p. 102) may be according to German custom, but, without being a pedant as to phrases, one may hesitate at so unhistorical a description of a thirteenth-century king's son. Also on p. 102 'Hugh Belsham' (or rather 'Balsham') is described as bishop of Ely in April 1255. In reality, however, the founder of Peterhouse was not consecrated till 1257, and it was his predecessor, William of Kilkenny (d. Sept. 1256), whose name Peter of Aigueblanche pledged in the document summarised by our author.

On p. 103, in attempting to correct a slip on Mr. W. E. Rhodes's article on Edmund of Lancaster in this Review (x. 23), Dr. Karst falls into several errors of his own. The point is a very trifling one, referring to the way in which Henry III's promised contribution of 135,541 marks was to be paid. Dr. Karst says the amount promised was '135,541 *Pfund sterling*,' but *summa 135,541 marcarum bonorum novorum et legalium sterlingorum* does not mean that same number of pounds sterling but that number of marks paid in sound and good money. All through the account 'pounds' are used as identical with 'marks' by Dr. Karst. As a matter of fact neither Mr. Rhodes nor Dr. Karst has got the thing quite rightly. The bull¹ separates from the whole sum of 135,541 marks 20,000 marks 'offered by the royal liberty to us and our brothers.' This sum of 20,000 marks is to be paid in two equal instalments of 10,000 marks each, one before Christmas 1255 and the other before Michaelmas 1256, a date which may be prolonged to Christmas 1256. The rest of the sum—i.e. the 115,541 marks, which seems to be what the pope professes to have actually spent in the *negotium Siciliae*—was all to be paid before Michaelmas 1256. Of course the money never was paid, and it is perhaps as futile an exercise as well can be imagined to analyse the promises of so shifty a debtor as Henry III. It is clear, as Dr. Karst says, that the offer to Edmund was a mere stroke of finance. But the merchants of Florence and Siena did not, as Dr. Karst thinks, advance money to the pope simply because he had induced the king of England to back his bills. 'English money' and 'English credit' play too big a part in Dr. Karst's speculations, for England was not in the thirteenth century the modern

¹ *Foedera*, i. 318.

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capitalist state that the foreigner too easily imagines that she was. Dr. Doeberl's *das capitalkräftige England* expresses the same erroneous idea even more emphatically than Dr. Karst. The real reason why Alexander IV was anxious to get Henry's name on his side was surely that it enabled him to tax the English clergy more effectively than he would otherwise have been able to do. The crusading tenths and other exactions of Master Rostand and his like would doubtless have been demanded in any case, but a mere papal order to pay would have been of but little effect, had not the payment been enforced by the direct action of the English king. Alexander secured Henry's active co-operation by his device of the Sicilian grant. It was a matter of minor importance that Henry also made himself personally responsible for what the pope professed that he had spent in the war against Manfred. The real gist of the matter was that Henry's vain desire to give his younger son a great position made it possible for a reasonable portion of the pope's demands to be collected from the English clergy. But at no stage of the negotiation did the Roman curia take any effective steps to prepare the way for Edmund's reception as king in Sicily or Apulia. As Dr. Karst clearly points out, Edmund's appointment to the Sicilian throne was absolutely unknown in southern Italy. It was only an expedient to support the pope's finances until a real champion of his interests was found.

T. F. TOUT.

Studies in Dante. Second Series. Miscellaneous Essays. By EDWARD MOORE, D.D. (Oxford: Clarendon Press. 1899.)

THE second series of Dr. Moore's 'Studies in Dante' differs in character from the previous volume; that was devoted entirely to the illustration of Dante's use of his books and authors, and from its plan and object was naturally little adapted for continuous reading. This series is more popular in form of statement, though not less thorough in method. Of definitely historical essays there is only one—'Dante and Sicily'—but the whole work belongs to *historia* in the original sense of the word, and may be consulted with advantage by many students besides those who are specially interested in Dante. The first essay, for instance, on 'Dante as a Religious Teacher,' provides an illuminating statement of Dante's theory of the pope and the emperor, and the papers on Dante's 'Classification of Sins' contain a large amount of notes on medieval doctrine, such as may be turned to profit in many different ways. The article on the 'Unity of Design in the "Purgatorio"' belongs more peculiarly to literature than most of the others; it is a demonstration not to be forgotten by any historian of poetry, showing in detail what minute and ingenious processes and calculations have gone to shape the structure of the 'Divine Comedy.' The essay on 'Beatrice' will probably be found to be a sufficient examination of the problem. It may be doubted whether the logic of those to whom Dr. Moore is opposed was really deserving of as much labour as he has spent in their refutation, but the labour itself is inspiring. Boccaccio's assertion that Beatrice is Beatrice Portinari is shown to have in its favour everything that can be put together by way of particular evidence, and everything that can be learned from the ways of medieval poetry in elucidation of the 'Vita Nuova.' Of all the papers the last is, perhaps, the most valuable; an

argument, corroborated by the independent judgment of Dr. Shadwell, for the authenticity of the 'Quaestio de Aqua et Terra.' It is not easy to see how the claim can be disputed; nor would it be easy to suggest any improvement in the way the facts are brought forward and made to explain themselves.

W. P. KER.

England in the Age of Wycliffe. By G. M. TREVELYAN. (London: Longmans. 1899.)

The Peasants' Rising and the Lollards. A collection of unpublished documents, forming an appendix to 'England in the Age of Wycliffe.' Edited by E. POWELL and G. M. TREVELYAN. (London: Longmans. 1899.)

Le Soulèvement des Travailleurs d'Angleterre en 1381. PAR ANDRÉ RÉVILLE et C. PETIT-DUTAILLIS. (Mémoires et Documents publiés par la Société de l'Ecole des Chartes. II.) Paris: A. Picard. 1898.)

As chance would have it, the long-expected appearance of the lamented André Réville's study of the peasants' revolt was immediately followed by the publication of a dissertation by a young Cambridge scholar containing a chapter on the rising which represents an independent investigation of the unpublished materials at the Record Office and the British Museum. A comparison of their work illustrates the divergent methods of the schools in which they have been trained. Mr. Trevelyan chose a subject which gave ample scope to his literary power and gift of acute generalisation, but too wide for anything like exhaustive treatment of the evidence in the time at his disposal. In its expanded form his essay is addressed rather to the general reader than to the student. For the revolt of 1381, however, he was able to avail himself of the researches of Mr. Edgar Powell in the national archives. M. Réville in his doctoral dissertation contented himself with a close study of the rising in the three counties of Hertford, Norfolk, and Suffolk from the same sources, and then began collecting materials for an exhaustive investigation of the insurrection as a whole. But other occupations came in the way, and after his premature death the materials he had gathered were entrusted to M. Petit-Dutaillis, who devoted three years to the historical introduction which he has prefixed to his friend's dissertation and documents.

Within its limits Mr. Trevelyan's essay is a decidedly able piece of work. He has steeped himself in the writings of Wycliffe, Chaucer, and Langland, and gives a vivid and in the main accurate picture of an age of transition. His tendency, perhaps, is to get the lights too high and the shadows too deep. At the very outset the description of the maritime supremacy of England before the treaty of Brétigny is surely overdrawn. 'From Corunna to Rotterdam no harbour master dared to pilfer or annoy the traders who brought the English wool; no foreign craft dared board the vessels that sailed beneath the cross of St. George.' A different tale was told to the parliament of 1353, one of the chief arguments for the removal of the staple to England being the *roberies sur mer* and other 'notorious damages' to which the wool trade was exposed so long as the staple remained over sea. The cause assigned for the disappearance

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of England's maritime superiority—the naval alliance of France and Spain after 1369—seems insufficient. Such an alliance had existed earlier in the war without 'securing to the confederates the mastery of the Bay of Biscay and the Channel.' Mr. Trevelyan must have forgotten the famous fight of 'Espagnols-sur-mer.' He is too sweeping, again, in his assertion (p. 39) that in the schemes for disendowment no one ever thought of using the church revenues for public objects. This overlooks that part of the Lollard proposals of 1410 which contemplated the establishment of a hundred hospitals.

Mr. Trevelyan possesses the enviable power of singling out the salient features of a past age and presenting them with force and sympathy. There are many passages in his book which could not have been better put by one who had spent half a lifetime on the period. But there are limitations to his knowledge of the middle ages. Witness the remark that the division between the regulars and seculars was not exclusive, 'for the regular clergy could hold rectories and other places usually belonging to seculars, and secular prelates could hold canonries' (p. 106). The reference to the origin of the schism on p. 118 is decidedly misleading, and Portugal is enumerated without qualification among the Urbanist powers. Ferdinand at first recognised Clement, and it was only the exigencies of the English alliance which led him to change sides in 1381. The architectural history of the age of Wycliffe is somewhat strangely summed up in the statement (p. 176) that 'the simple magnificence of the Early English style was being gradually modified, so as to exhibit larger quantities of delicate tracery.' Lynn appears as a monastic town, like St. Albans or Bury St. Edmunds (pp. 163, 166). Mr. Trevelyan's acquaintance with the authorities for his period is far from exhaustive. In his sketch of the political history of the years 1381-5 he makes little use of the newly printed Calendar of Patent Rolls. He would have found there a partial confirmation of his contention that it was not the chief victims of the Merciless Parliament but the king's young kinsmen and esquires whose enrichment impoverished the crown and provoked the first attack upon Richard. De la Pole, however, made himself, as chancellor, more or less responsible for this wastefulness, and was himself accused of making a profit out of the crown, and no exception whatever can be made in De Vere's favour. The unpopularity of Brembre and Tressilian was due to other causes, and it was the events of 1386-7 which brought it to the forefront. The account of the crisis of 1384 suffers greatly from neglect of the Patent Rolls and other obvious sources. Thus the fiendish murder of the Carmelite friar who had accused John of Gaunt to the king is declared an inscrutable mystery, because the chief murderer was Richard's half-brother, John Holland. But Holland at this time was much more closely connected with Lancaster than with the king. He married the duke's daughter shortly after and accompanied him to Spain. Walsingham expressly states that Lancaster got the friar placed in Holland's custody, and that he willingly undertook it *propter amorem ducis*. We cannot discover that Mr. Trevelyan has made a critical comparison of his authorities. He leans too much upon Froissart, whose account of the Scottish campaign of 1385 is preferred to the unanimous testimony of the English

chroniclers, on the ground that 'he is more detailed and explicit, and is, besides, a better authority on military affairs.'

The chapter devoted to the peasants' revolt reaches in many ways a higher standard. Thanks to the generous assistance of Mr. Powell, who supplied him with his transcripts, Mr. Trevelyan may claim the credit of being the first to give a general narrative of the movement in English, incorporating the abundant materials contained in the Ancient Indictments and in the Assize and Coram Rege Rolls. He has even had the good fortune to have at his disposal a hitherto unknown and valuable account of the rising, which escaped Réville, for the latter did not complete his researches in the British Museum, where it was found among the Stow MSS. But neither here nor when printing it in a recent number of this Review (xiii. 509-22) has Mr. Trevelyan attempted a really critical estimate of the value of the new authority. He does not seem to have perceived that it was the source from which Stow drew many of the details in the narrative of the rising in his annals, though he was aware that it is a transcript in the hand of Stow's friend Francis Thynne. Thynne notes that it was taken 'out of an anomynale cronicle belonginge to the abbey of St. Maries in Yorke,' and Stow so refers to it in the margin. It is difficult, however, to suppose that it can have been written in the north, for it contains much the fullest account we have of the doings of the rebels in London, including details like the burning of the house of John Butterwick, which are mentioned by no other writer but are confirmed by documentary evidence. Its narrative of the beginnings of the revolt in Essex and Kent is substantially that told by the documents, though Mr. Trevelyan had not noticed the confirmation of its story of the rising at Brentwood by the records published by the Essex Archæological Society until his attention was called to it by M. Petit-Dutaillis's introduction, and even now he does not supply the exact date—30 May. This evidence of the trustworthiness of the Stow MS. where it can be checked is important, because its account of what took place at Mile End and Smithfield differs in some striking respects from those found in our other authorities.

The volume of illustrative documents which Mr. Powell and Mr. Trevelyan have since published would, no doubt, have been fuller if they had not had to glean after M. Réville, whose appendix of unpublished material contains a hundred and twelve large octavo pages. As far as we can judge the paleographical part of their work has been done with care, but such editing as the documents have received leaves something to be desired. The chronology of the important inquisitions taken at the trial of John of Northampton is thrown into complete disorder by mistakes in the conversion of its dates. Thus by a confusion between the festival of the translation of Edward the Confessor and that of Edward the Martyr the second election of Northampton as mayor is ascribed to June 1383 instead of October 1382. His arrest is placed in February 1383, when it really took place in February 1384. The 'Return as to Foreign Clergy in England' made in 1377 is an instance of another form of careless editing. It contains the names of a number of cardinals which the editors make no attempt to identify even when in doubt as to the correctness of their reading. To print a form like *the cardinal of Agrifolio* (?), when they need have gone to no more

recondite authority than Mas Latrie's 'Trésor' to find that Cardinal Guillaume d'Aigrefeuille is meant, implies a strange notion of an editor's duties. But what is to be said when the *abbatissa de Cadamo* of the text appears in the index as *abbess of Cadamo*?

This appendix, in fact, strengthens one's previous impression that Mr. Trevelyan has been over eager to publish a piece of work of ambitious scope, and that he would have been better advised had he begun with an exhaustive study of the great rising of 1381. As it is, the English student must go to the work of two young French scholars for the fullest and most adequate investigation of this critical episode in the history of his country. The interest of M. Réville's original dissertation has indeed been a little discounted, with regard to two of the three counties dealt with, by the prior appearance of Mr. Powell's 'Rising in East Anglia in 1381.' But the two accounts supplement each other in a number of points, and some corrections of the English writer's conclusions will be found in M. Petit-Dutaillis's notes. Thus, for instance, documentary evidence is adduced in support of Walsingham's assertion that the Norfolk rebel Lister perished only after a fierce skirmish with the redoubtable Bishop Spencer and his forces, which Mr. Powell, following Capgrave, had ventured to doubt. The story of the rising in Hertfordshire has not before been told with such fulness. In his account of the punishment of the St. Albans insurgents M. Réville, like all his predecessors, has been misled by a false reading in the 'Chronicon Angliae' and Walsingham into stating that Chief Justice Tressilian, after summoning a jury on 13 July for their trial, suspended his session, and did not try and condemn them until the Ides of October. But it is plain from the royal order of 3 August quoted by him from Walsingham that they had already been executed. A close examination of the texts shows that *Octobris* must be an interpolation, and that they were tried on the Ides of July. It is expressly mentioned that the jury had been summoned three days before (*tridie*), i.e. on Saturday, the 13th.

M. Petit-Dutaillis's historical introduction, which extends to a hundred and thirty-six closely printed pages, is a most scholarly piece of work, based not only on the large collection of documents made by Réville for a complete history of the rising, but on a very wide acquaintance with the great mass of printed material bearing upon the subject. It supplies us with the best general account we have of the origin, course, and results of the insurrection. For completeness' sake it is to be regretted that the author had not before him the Stow MS. He would, for example, have found it supporting the corporation 'Letter Books' and the report of the sheriffs of London in placing the murders in the Tower after the interview at Mile End. M. Petit-Dutaillis vigorously contests Thorold Rogers's dictum that 'the result of the struggle of 1381 was the practical extinction of villanage.' All the documentary evidence of the following thirty years runs counter, he thinks, to the alleged abandonment by the lords of their rights over their villeins. If villeinage was transformed or disappeared in the course of the fifteenth century, it was a consequence not of the revolt of 1381, but of the agricultural revolution of the century which preceded the Tudor period.

The few minor errors into which M. Petit-Dutallis has fallen are such

as are apt to beset a foreign writer. He makes the rebels destroy Temple Bar when he means the Temple, and is under the impression that 'Cams' is as lawful a synonym for Cambridgeshire as Hants for Hampshire. A curious mistake occurs in an appeal to the bishop of Ely, printed at p. xxxvii. It is addressed 'A les justices nostre seigneur le evesque d'Ely *Deniz Listle*.' The last two words seem to be regarded as the name of the bishop, but of course are only a corruption of *deinz l'Isle* (within the Isle [of Ely]). It is a little too sweeping, we may add in conclusion, to say that the majority of the bishops in 1881 were *cadets de noblesse* (p. 1).

JAMES TAIT.

Spain: its Greatness and Decay (1479-1788). By MARTIN A. S. HUME. With an Introduction by EDWARD ARMSTRONG. (Cambridge Historical Series.) (Cambridge: at the University Press. 1898.)

For the Spanish volume of his valuable series Mr. Prothero has secured the services of not one but two specially equipped historical scholars. To Major Hume's history of Spain from the accession of Philip II to the time of the French Revolution—a period so full of chances and changes as to test severely the statement of the general editor in his prefatory note that his plan 'makes it possible to treat the history of the last four centuries in considerable detail'—Mr. Armstrong has prefixed an introduction comprising the rule of Ferdinand and Isabella and the half-century ensuing. With almost unnecessary conscientiousness he has indicated one or two paragraphs in this introductory portion as contributed by Major Hume, although what is contained in them might fairly be described as the common property of historical inquirers. Mr. Armstrong's part of the work is, it seems unnecessary to add, distinguished by his accustomed thoroughness, and written with his usual vigour. Parts of the great theme of rivalry of Charles and Francis are effectively treated, the *sacco di Roma* being, of course, among them; but of greater value for the general argument of this history is the account of the revolt of the *comuneros*, and the clear outline of the changes in Spanish agriculture and commerce which within a quarter of a century of that revolt raised a great part of the country to a height of prosperity destined to pass away only too soon. Mr. Armstrong shows how the mistaken policy of taking care of no interest but that of the consumer, which, as Major Hume afterwards repeatedly points out, for generations paralysed Spanish industry and trade, was already in this period cherished by the Cortes, all the more so since even at this time they failed to represent the classes occupied in industrial and mercantile pursuits. After the government of Philip II had in 1555 thrown into prison the authors of a protest in the Castile Cortes against the arbitrary seizure of money coming to Seville from the Indies on account of private merchants, the classes in question 'bore the vast burden of national expenditure with hardly any audible murmur.' Another significant passage in the introduction will be found in the account of the assumption by Charles I of the offensive against the Mohammedan power in Africa, which marked what is well described as 'perhaps the most essentially Spanish period' of his reign. Mr. Armstrong is seen to much advantage in this summary, at once terse and

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luminous, of an age of great historical issues, and it is only now and then that he yields to the temptation of lapsing into social philosophy or mere picturesqueness, as when he speaks of Charles increasing the high average of happiness observable in marriages made for prudential reasons, or at an earlier page describes Maximilian Sforza as 'sitting uneasily on Swiss pikes.'

Major Hume, to whom it falls to narrate within the compass of some three hundred pages the twofold tragedy of the greatness and decay of Spain—twofold, because her recovery was to be succeeded by a second fall—has an inherited familiarity with his theme, several parts and episodes of which he has already elsewhere treated with notable success. It might be wished, perhaps, that to his indefatigable activity in research, and to what may not inappropriately be called the generous candour of his judgments of men and transactions, he had added a more frequent use of the file. I am not so much referring to certain mannerisms of diction which, though quite inoffensive in themselves, are apt to weary the reader, such above all as the habit of labelling the personages of his narrative with epithets which cannot really in every case be taken as representing the 'last word' about them—'false Uceda,' 'haughty Olivares,' 'cunning James Stuart,' 'hasty Buckingham,' 'turbulent Aranda.' (To the designation of Charles II of Spain as 'Charles the Bewitched' Major Hume may, on the other hand, be said to have established something like a right of his own.) The *suppression* of Bohemia is probably a mere printer's slip, and one can at least guess at what is meant by Philip IV—of whom a very striking picture is here painted in words—being 'so weak of will, so *potent of passion*.' What I have in mind is rather an occasional want of precision in the form of expression which at one time appears to overshoot, and at another to fall short of, the mark. How can it be said that under Elizabeth England had in reality grown to be 'immensely more prosperous *and powerful*' than Spain, when a few pages previously the lesson of the unhappy Portugal expedition of the year 1589 has been impressed upon us with equal force and accuracy? On the other hand Great Britain's desertion of the Catalans in 1714 is surely most inadequately censured when it is dismissed as 'exceptionally open to criticism.' We tread on debatable ground in seeking to define the relations between the house of Austria and the Bohemian crown at the time of the commencement of the thirty years' war; but I do not think that the one can be correctly said to have at that time 'belonged' to the other. In such an instance there can be no pedantry in desiderating a formal precision of expression, while it might perhaps be thought captious to quarrel with the loose statement that the peace of Westphalia, which concluded the war, 'gave Alsace to France.'

Instead of multiplying petty cavils, however, I am anxious to bear testimony to the interest attaching to every part of Major Hume's narrative. The story of Philip II's reign has been so frequently told—quite recently by Major Hume himself—that it might seem a difficult task to retell it effectively in five brief chapters. Not only, however, has this been unmistakably achieved in the present volume, but several points have been brought out with fresh force. The fatal blunder of making the Netherlands an inalienable Spanish possession is shown to

have drawn Spain once for all into the vortex of European politics, and in the first instance to have made an English alliance a necessity for the Spanish crown, as of old it had been for the Flemish communes. The actual outbreak of the revolt of the Netherlands is conclusively traced to the attempt to impose that tenth penny which under the name of the *alcabalas* had fallen like a blight upon Spanish commerce and industry. The story of the Armada, stripped of all legendary adjuncts or perversions, is once more related by the author, to whom no part of his ground is more familiar, and who notes that the tax of the 'millions' imposed upon the food of the people to meet the cost of a practically hopeless expedition was not taken off for more than two centuries. Yet, as Major Hume well observes, the policy to which Philip had allowed himself to be driven in the case of England proved the only one left to him in the case of France, and he had to attempt to conquer the latter country for himself in order to keep it catholic. Here at least he had the consolation of preventing the victory of protestantism, when Henry IV declined to let France be the 'ball room' for the continuation of the struggle between Spain and the 'maritime powers' of the future.

In the chapter on Philip III Major Hume again proves equal to the peculiar demands of his task; for he has here to speak of a sovereign not less typical of degenerate Spain than Philip II had been of the perversion of her energies, though it cannot be said of him, as of his son, that he reflected the literary tendencies of the earlier half of the seventeenth century. The weakness of the country under the frivolous Philip III was proved by the successful overthrow of her rule in Portugal, followed by the insurrectionary movements in Andalusia and Catalonia. Major Hume is doubtless right in claiming for Olivares, who had more of the statesman in him than his predecessor Lerma, the credit of sound judgment in seeking at any cost to bring about a unity of institutions in the Spanish provinces; the commendation, however, hardly applies to the treatment of Portugal; nor was there much evidence of insight in the confidence which Olivares showed, or pretended to show, to Braganza (afterwards King John V). Under Philip IV the pressure of taxation and the stagnation of all industrial life went on from worse to worse; and though the peace of the Pyrenees at last put an end to the struggle which had exhausted Spain it came too late, and the reverse of Elsas in the previous year had shown the recovery of Portugal to be beyond hope. But it was under the last Spanish Habsburg—the Charles II whom Major Hume only too graphically sums up as 'the ultimate result of the constant intermarriage of the Austrian family'—that the condition of the country sank to its lowest depth. Financially this might seem to have been reached when, under Philip III, royal officers, accompanied by parish priests, had systematically asked alms for the king; but the actual suspension of all public payments had been averted both in this and in the following reign. When it was declared in 1696, monarchical power seemed to have collapsed. Charles II even in his younger days had not will enough of his own to deliver himself up *more maiorum* into the hands of a favourite; so that 'we have in the reign of the last Spanish king of the house of Austria the phenomenon of power seeking for a centre,' the king himself having become as the running ball on the hazard table.

And around him the players were on the watch, prepared to go to war for his heritage.

With the first Bourbon reign, we enter, breathing at last rather more freely, upon a period lighted up by an unprecedented abundance of contemporary evidence, or at least of what purports to be evidence, and in consequence reviewed with predilection by modern historical writers, among whom Mr. Armstrong holds a notable place. A far closer attention, on the other hand, than has been bestowed upon it by recent English writers is merited by the period of recovery (as I ventured to call it above), which may be dated from the advent to power of Patiño under Philip V, but which is more especially coincident with the reigns of Ferdinand VI and Charles III, and associated at its height with the names of Aranda and Floridablanca. Major Hume deserves the thanks of English historical students as having within his limits done justice to this episode—for unhappily it was in some sense to prove an episode only—in the history of Spain. With the exception, perhaps, of the brief introductory chapter of the first volume of Baumgarten's memorable contribution to the ' *Staatengeschichte der neueren Zeit* '—too brief, perhaps, for a place in Major Hume's otherwise sufficient bibliography—no similar summary is known to me of a period of Spanish history full of consolation and of promise. I say of promise, for a new chapter may conceivably be even now once more opening in the history of Spain. During the period in question her government committed some egregious blunders in foreign policy, both on its own account and on that of the Bourbon family compact, though the burden of the charges which some modern writers are fain to cast upon that agreement is greater than the facts bear out. But the mainsprings of the vitality of Spain were at last becoming patent to her rulers and to her people, who had so long been accustomed to trust to them. Of the enlightened king Charles III, who had lived long enough not to overcome the prejudices asserted in his teeth by the so-called ' *revolt of Esquilache*,' but to bring home to his subjects at large the blessings of progress, Major Hume writes on the last page of this history, ' He died at dawn on 14 Dec. 1783, aged 78, the only good, great, and patriotic king that Providence had vouchsafed to Spain in modern times.'

A. W. WARD.

Select Cases in the Court of Requests, A.D. 1497–1569. Edited for the Selden Society by I. S. LEADAM. (London. 1898.)

THIS volume is one of the most original and informing contributions to the social and administrative history of the Tudor period that have appeared within recent years. The existence of the Court of Requests is almost coterminous with Tudor rule; it is, as Mr. Leadam observes, to Henry VII that the court undoubtedly owes its constitution as a definite tribunal, and, though it continued some years longer than is generally supposed, its activity and power rapidly succumbed to the hostility of the common law courts after the death of Elizabeth. Thus it was peculiarly a Tudor institution, and its history is a striking example of Tudor methods of administration. Its creation was at once a result and an illustration of the revived study of Roman law, a movement contemporary with, and not without influence on, the growth of the ' *New* ' Monarchy.

That development was in many respects an anticipation of the paternal despotism which found so much favour in Europe during the eighteenth century; it was an arbitrary government for the good of the people, and its paternal aspect is nowhere so apparent as in the working of the Court of Requests or 'of poor men's causes.' It never had a statutory basis, but was an instance of the sovereign seeking by means of his prerogative to give the poorer classes a protection they could not obtain from the ordinary law courts. In nearly every case in this volume the first line of defence is a plea that the complaints could and should be tried in the common law courts, the inevitable inference being that either the ordinary law courts were much more likely than the Court of Requests to favour the wealthy defendant, or that their procedure was so dilatory and expensive as to render it impossible for poor men to resort to them.

The subject matter of these select cases is varied, but the most interesting are complaints brought by tenants against their landlords for raising rents, for exacting unwonted fines, and for other infractions of manorial custom, the familiar incidents of the agricultural revolution of the sixteenth century. This is a topic on which Mr. Leadam has already done excellent work in his article in this REVIEW (vol. viii. pp. 684-96), his 'Domesday of Inclosures,' and elsewhere. In this volume he has made accessible evidence which renders it possible to estimate the reality of those grievances which form the basis of the invectives of Crowley, Brynklow, Simon Fish, and other writers; probably, for instance, there does not exist a more interesting and detailed picture of a sixteenth-century manor than that afforded by the case 'Foreacre and Person v. Frauncys,' pp. 101-172. The decrees unfortunately are for the most part lacking, but it is clear that the tendency of the court was to strain the law in favour of the tenants, and this tendency, a marked feature of Tudor rule, does not a little to explain its popularity. Sir Thomas More is said to have suggested the inclosure commission of 1517. Wolsey earned the hatred of the nobility by his permanent establishment of the Court of Requests; but it was Somerset who, acting on a possibly exaggerated and sentimental appreciation of the grievances of the commons, carried furthest the policy of throwing the influence of government into the scale of the tenant against that of the landlord, and, as Mr. Leadam justly points out, it was the persistence with which he pursued his campaign against inclosures that brought him to his fall. We doubt, however, whether it was, as Mr. Leadam suggests, Latimer's sermon of March 1549 that prompted the Protector to hear 'poor men's causes' himself; for as early as 1 Sept. 1548 he wrote to his brother that he considered it his 'duty and office' to 'receive poor men's complaints.'¹ How far the reaction under Warwick affected the Court of Requests does not appear from this volume, probably because the records of cases are comparatively scarce and generally imperfect, nor do the cases, the last of which is dated 1569, throw much light upon Elizabeth's policy. The volume as it stands, however, is of great value, and no one who wishes to comprehend the character of Tudor administration can afford to neglect at least the history of the Court of Requests, the account of its procedure, and the observations on the cases which

¹ *State Papers, Domestic, Edward VI, vol. v. no. 1.*

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Mr. Leadam has embodied in his admirable introduction. We welcome the announcement of a companion volume on the Star Chamber, which, it is to be hoped, will be followed by a third on the Court of High Commission; and when to these are added adequate treatises on other Tudor creations, like the Court of Augmentations, the Councils of the North, of Wales, and of the Marches, the materials will be at hand for students to form sounder views of Tudor government than are at present possible.

A. F. POLLARD.

The Records of the Honorable Society of Lincoln's Inn. The Black Books, Vol. II: 1568-1660. (Lincoln's Inn. 1898.)

THIS volume is to the full as interesting as its predecessor, and does credit to those who have been concerned in its preparation, namely, Mr. Douglas Walker and Mr. Baildon. The student of life and manners will find in it many stories which will be to his liking, and every now and again there is an entry that bears on the grand struggles that were taking place in church and state. But the main value of the book consists in the light that it pours upon the continuous life of one of the most English of English institutions, the technically unincorporate society or fellowship of lawyers, which is practically performing public functions, since it controls the admission of advocates to the courts, but which none the less secures for itself almost as much autonomy as would be allowed to any private club.

'The lawyers of Lincolne's Inne were not incorporate, neither by Act of Parliament nor by any Letters Pattents from the King's Majestie.' That was said to Charles I by Richard Montague, bishop of Chichester, whom we know in other contexts. He had determined to make a vigorous onslaught against the title by which the lawyers held their inn. Then there was a scene well worthy of the full account of it that the lawyers put into their Black Book (p. 332). Charles himself sat to hear the bishop's complaint. He sat at Whitehall on 23 Nov. 1635, 'in the withdrawing room next the bed chamber.' Laud was there, and so were the secretaries of state and some other ministers. Three masters of the bench appeared on behalf of the society, and took no exception to the king's hearing and deciding in his proper person what really was a suit for the recovery of land; perhaps they knew that even Charles could not decide that suit against them. Montague spoke a little evil of lawyers. He recalled that good old writ in which Edward I declared that seven-score apprentices and attorneys would be enough for all England. He said that he would argue his own cause, hinting that since lawyers had become divines a divine might become a lawyer. Then he told how land had been given to his predecessor Ralph Neville by Henry III, how thereon a house had been built for the bishops of Chichester, how various leases of the house were granted to the benchers of the society, the last (it had lately expired) being a lease granted in 1535 by Bishop Sherborne for ninety-nine years at a rent of 16*l.* 13*s.* 4*d.* It then appeared, however, that in the next year Sherborne's successor, Bishop Sampson, sold the reversion for 200*l.*, and conveyed the freehold to two Syliards who were trustees for the society. The technical objections that Montague

could bring against this transaction were not very formidable, and one after another they were overruled by Charles, who is represented as showing some skill in legal argument. Montague, however, told a discreditable tale of Sampson, suggesting that he got his bishopric by means of the influence of Eustace Syliard, one of the ushers of King Henry's bed chamber, and that the grant in favour of the society was part of a simoniacal bargain. In the end the lawyers were triumphant, and when Montague, abandoning legal claims, begged that the king's influence might secure for the bishops of Chichester a right to lodge in the inn that had once belonged to their see, he was told that since the conveyance the lawyers had spent 40,000*l.* in improvements. So with a *Liberavi animam meam* Montague desisted. But when he mentioned the unincorporate character of the society he was touching a curiously important point. What we know as our English 'liberty of association' was rendered legally possible by the law or the equity about uses and trusts, which enabled a body of men to perpetuate itself and in effect to own property, while a screen of feoffees or trustees protected it from the inquisitive scrutiny of the state. If we look abroad we may fairly doubt whether our own lawyers of the fifteenth and sixteenth centuries would have permitted this arrangement, which, besides impairing the practical operation of the statutes of mortmain, allows something that can hardly be distinguished from corporateness to be acquired without any authoritative act, had it not been that they themselves were bred in societies that just were not corporations. It is surely an easily excusable slip of which Mr. Walker, himself a master of the bench, is guilty when he says (p. xxiv) that 'legal education largely occupied the attention of the benchers in their individual and corporate capacity.'

As to legal education, we may witness the decline of the old system. It had proceeded on the medieval theory, which was breaking down in the universities also—namely, the theory that the man who has taken a full degree is licensed to teach, can teach, and ought to teach, and may rightly be coerced into teaching. The publication of numerous law books, especially Coke's, must have decreased the demand for the somewhat rough and haphazard instruction that would be given by a reader who was merely taking his turn at the work. Unfortunately these ancient societies were slow to put anything more modern in the place of this outworn plan.

F. W. MAITLAND.

Oliver Cromwell. By S. R. GARDINER, D.C.L.
(London: Goupil & Co. 1899.)

THIS magnificently produced life of Cromwell fitly commemorates the tercentenary of his birth, and both pictures and text give it a permanent value. The numerous portraits of Cromwell, his family, and his associates are well selected and admirably reproduced. A reproduction in colours of the fine picture of Cromwell by Robert Walker (from the collection of Earl Spencer) serves as frontispiece, and there are also photogravures of a different picture by the same artist in Lord Sandwich's possession, of Lely's Cromwell in the Pitti Palace, of Cooper's miniature, and of many others. The bust attributed to Bernini, recently presented

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to the house of commons by Mr. Wertheimer, is also reproduced, but Mr. Gardiner gives reasons for assigning it rather to Rysbrack. Two other novelties of peculiar interest are the portrait of Robert Cromwell, the Protector's father, who was singularly unlike his son, and the portrait of the Protector as a child. Cromwell's sons and daughters are represented both by miniatures and larger portraits, and there are striking pictures of Monck, Lambert, Argyle, and other political allies or comrades. Argyle looks the crafty politician he was, and Lambert the dashing soldier one expects to see. But the outward semblance of Major-General Desborough shows no trace of the roughness and brutality which tradition attributes to him, just as Mrs. Claypole does not look as vivacious as the anecdotes about her suggest, or Mrs. Fleetwood as much 'humbled' by her father's greatness as Mrs. Hutchinson says she was. Besides all these illustrations there are two facsimiles of letters written by Cromwell, one being that of the letter to Mr. Story which stands first in Carlyle, and another a letter addressed by the Protector to Cardinal Mazarin, which is not included in Carlyle's collection. In two cases the names assigned to the portraits appear doubtful. Miniatures representing Richard and Henry Cromwell are reproduced on p. 160, but Mr. Gardiner sets aside the descriptions given on the metal labels attached to the originals, and renames them. This, I think, is a mistake. The miniature which he rebaptises Richard Cromwell represents a younger man than the subject of the companion portrait, and therefore probably represents Henry Cromwell. Moreover the features are more like Henry's. The difference between the features of Henry and Richard does not consist simply in the fact that Richard had a longish face and Henry a fuller, broader face. Richard, if one may trust contemporary engravings, had a more aquiline nose than Henry. Finally there is a three-quarter-length portrait of Henry in full armour, as lord-lieutenant of Ireland, in which the face strongly resembles that of the miniature in question. The portrait described as that of Cornet Joyce (p. 39) is also in all probability erroneously so described. It comes from the collection at Chequer's Court, but seeing the relations which existed between Cromwell and Joyce it is difficult to believe that he or any of his family would have been likely to own that officer's portrait. No doubt the portrait is a likeness of one of Cromwell's companions in arms, but it probably represents some other person. It would be worth inquiring whether it may not represent Colonel Nathaniel Rich. At one time Rich was very intimate with Cromwell, and Cromwell presented Rich with a portrait of himself which is now in the National Portrait Gallery. It is not unlikely that Rich returned the gift in kind.

The life of Cromwell which accompanies the illustrations is in substance a restatement of the views of Cromwell's career already expressed by Mr. Gardiner in his history, but it is a great advantage to have these views set forth fully and consecutively, and to get at the same time his account of the portion of Cromwell's public life which he has not yet treated in the history. It is written with such admirable sobriety, clearness, and vigour, that it is to be hoped it will be published in some cheaper form for the benefit of a larger public. It would serve to correct some of the exaggerations and superstitions which anniversary biographers

and orators have put in circulation. Mr. Gardiner's object is to represent Cromwell's character as exhibited in his public life. He starts by quoting Cromwell's own definition of his aims. 'I have been called,' Cromwell told parliament, 'to several employments in the nation, and not to be tedious, I did endeavour to discharge the duty of an honest man in those services to God and His people's interest, and to the Commonwealth.' 'The open secret of Cromwell's public life,' writes Mr. Gardiner, 'is set forth in these words, his aim being first to be himself an honest man, secondly to serve God and the people of God, and thirdly to fulfil his duty to the Commonwealth. In this order and in no other did his obligations to his fellow creatures present themselves to his eyes' (p. 2).

While no side of Cromwell's activity is neglected, the volume is essentially a study of Cromwell as a statesman. It is this which accounts for what would otherwise seem the disproportionate space given to the history of the year 1647; for that year was the turning point of Cromwell's career, and his decision to use the force of the army to control the parliament was the first step to the foundation of the Protectorate. 'What makes Cromwell's biography so interesting is his perpetual effort to walk in the paths of legality, an effort always frustrated by circumstances' (p. 48). When he made up his mind to coerce the parliament, in order to prevent the presbyterian leaders from 'imposing upon the country a system alien to its habits, with the assistance of a Scottish army,' he defended his departure from the paths of legality by putting forward the doctrine that the army, being English citizens as well as soldiers, had a legal claim to intervene in the settlement of the nation. For Cromwell, 'when most inconsistent, loved to persuade himself that he had always been consistent.' He stood in the summer of 1647

at the parting of the ways. For him there was but one choice, the choice between entire submission to parliamentary authority and the establishment of military control. No wonder that he instinctively shrunk from acknowledging, even to himself, the enormous importance of the step he was taking, still less wonder that he did not recognise in advance the unavoidable consequences of the choice, the temporary success which follows in the wake of superior force, and the ultimate downfall of the cause which owes its acceptance to such means (p. 66).

The result of this first intervention was that henceforward Cromwell and the army were continually drifting in the direction of that military despotism which neither he nor his comrades desired to establish (p. 74). Cromwell tried to escape from that inevitable danger by means of an understanding with the king, or by the elevation of one of the king's sons to the throne. Both attempts failed, and so came the second civil war and the military revolution which led to the king's execution and the establishment of the republic. The perpetual intervention of the army in religion and politics was the difficulty which prevented the foundation of any enduring government during the years which followed. 'If there remains any interest in Cromwell's career after the execution of the king, it arises from his constantly renewed efforts to throw off this incubus, and his repeated failures to achieve his purpose' (p. 109). So again after the expulsion of the Long Parliament: 'The tragedy of Cromwell's subsequent career lay in the impossibility of permanently

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checking the instincts of military politicians to intervene in favour of those guarantees which they regarded as indispensable if they were to avert the ruin of the cause they had so long upheld with all their might' (p. 144).

Desirous though Cromwell was to establish a civil government, the task proved too difficult for him. His first parliament, in 1654, at his own invitation took into consideration the Instrument of Government, but the parliamentary constitution which was the outcome of their debates he could not accept. Mr. Gardiner's account of the conduct of that parliament is far more favourable to the parliament than Carlyle's. However much they might differ on the means to be pursued, the end at which Protector and parliament aimed was identical—namely, the conversion of the military into the civil state (p. 165). But the question of the control and disposal of the army was an insurmountable difficulty. A new point clearly brought out in Mr. Gardiner's pages is the strenuous attempt made by Cromwell after the dissolution of his first parliament to avoid the appearance of a dictatorship by rigidly observing the provisions of the Instrument of Government (pp. 167-172). In 1657 Cromwell's second parliament renewed with more success the attempt to convert the military into the civil state. 'Far too much,' Mr. Gardiner justly remarks, 'has been made by some modern writers of Oliver's defeat on the question of the kingship. . . . Apart from the really unimportant question of the crown the military party had been beaten all along the line.' In the Petition and Advice 'England had at last got a constitution which was no production of a military coterie' (pp. 187, 188). If, in spite of this seeming agreement, Oliver was driven to dissolve this parliament, as he had done his first, the reason was that the new constitution had no popular support behind it. 'The one thing needful is that the institutions of a nation, whatever they be, shall be supported by the popular sentiment' (p. 206).

More than once Mr. Gardiner points out that Cromwell's aggressive foreign policy was 'incompatible with his other design of settling the government of England upon a constitutional basis.' As in the lectures on 'Cromwell's Place in History' he emphatically condemns that policy. Justice is done to Cromwell's motives. Two principles—'not always easily reconcilable'—underlay his action in foreign affairs.

He wanted to increase the trade of the country by strengthening its maritime power, and he wanted to uphold the cause of God in Europe by the formation of a great protestant alliance against what he believed to be the aggressive papacy. It was this second principle which gave to his actions a nobility which only an honest devotion to higher than material interests can impart, while at the same time it led him into the greatest practical mistakes of his career (p. 178).

On the other hand it was the first principle which really influenced his policy most.

His own character was somewhat deteriorated by the constant effort to persuade himself that he was following the higher motives, when in reality material considerations weighed most heavily in the balance (p. 178).

Moreover the foreign policy of the Protector involved vast naval and military expenditure, and was 'condemned in advance by the desperate

financial embarrassments which must follow in its train' (p. 197). In consequence of its aggressiveness it would have led also to political combinations replete with danger to England.

If Oliver had been granted those twenty more years of life which enthusiastic worshippers hold necessary for the success of his schemes, it can hardly be doubted that a European coalition would have been formed against the Protector long before it was formed against Louis XIV (p. 197).

Cromwell's Baltic policy is instanced as an example of the defects of his method, and his scheme for the formation of a general protestant league against the house of Austria is characterised as 'the product of consummate ignorance,' and founded on a view which was 'a gross anachronism' (p. 199).

In this reaction against too eulogistic estimates of Cromwell's foreign policy Mr. Gardiner appears to go a little too far. Oliver's great schemes were certainly perilous schemes, but was it likely that they would ever be translated into facts? If he had lived twenty years longer he would probably have spent most of that time in endeavouring to form leagues on a confessional basis, which would have been continually frustrated by the reluctance of his coreligionists to take part in them. The hypothetical dangers of his European policy are just as capable of exaggeration as its hypothetical benefits. In judging Cromwell it is fairest to lay most weight on what he actually achieved. Looking at his foreign policy from a European point of view Ranke insists on two things. 'In the general history of Europe nothing is of more importance than that Cromwell directed the energies of England against the Spanish monarchy.' . . . 'It was through Cromwell that protestantism took up an independent position amongst the powers of the world, and dispensed with all external aid.' In Ranke's opinion, it is clear, Cromwell, besides promoting the material interests of his country, achieved European results of permanent importance.

Cromwell's military ability is another point on which Mr. Gardiner does him less than justice. Speaking of the campaign of 1651, he says that Cromwell then 'for the first time in his life developed strategic power—that is, the power of combining movements the results of which would place the enemy in a false position.' Hitherto he had not shown this power, 'unless the campaign of Preston be excepted, when his march on Hamilton's flank had been decided by the necessity of picking up his artillery in Yorkshire' (p. 129). Not only does Mr. Gardiner define strategic power in too narrow a sense, but in the reference to the Preston campaign he writes as if the adoption of the strategy which proved so destructive to the Scottish army was due to a happy accident rather than design. It is worth observing that recent professional critics, such as Lieut.-Col. Baldock in his 'Military Life of Cromwell' and Lieut.-Col. Cooper King in the article contributed to 'From Cromwell to Wellington,' both agree in rating Cromwell's strategy much higher than Mr. Gardiner does, both basing their judgment mainly on the facts stated in Mr. Gardiner's history. The difference of opinion is not as to the facts, but as to the interpretation of the facts, and on such a question the judgment of a soldier is more likely to be right than that of a civilian.

C. H. FIRTH.

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History of the Russian Fleet during the Reign of Peter the Great. By a Contemporary Englishman (1724). Edited by Vice-Admiral CYPRIAN A. G. BRIDGE, K.C.B. (London: Printed for the Navy Records Society. 1899.)

THIS curious pamphlet was undoubtedly composed by an Englishman in the service of Peter the Great, but his name is unknown. The author cannot have been Deane, an important official of the Tsar, because he is himself mentioned in it. Peter had many of our countrymen in his service, and it would be difficult to identify this individual. It has been observed that he becomes more outspoken in the latter part of his pamphlet, and the inference has been drawn that when he finished it he had no expectation of promotion, and was out of the reach of any evil consequences which his free language might occasion. Sir Cyprian Bridge has edited the work very carefully, and furnished it with valuable notes. He explains naval tactics for us, and gives much antiquarian information on the kinds of vessels employed. The lists of the Russian ships and captains are curious. The former were procured from all quarters, and in many cases were hardly seaworthy. The commanders were a motley crew of adventurers, some of whom failed to make a career in Russia, and when they came back roundly abused her. Others founded families, and the names of their descendants, sometimes russified in a curious fashion, are to be met with in official records at this day. Scotsmen had swarmed into Russia as early as the reign of the False Demetrius, who had a bodyguard composed of them. In his preface Sir Cyprian shows that he understands the merits and defects of Peter. Charles XII simply played into his hands, and showed little wisdom in not doing what he could to strengthen the naval position of his country. Peter grasped the meaning of the situation and saw that he could make Russia a naval power on the ruins of Sweden. The first collision between the two countries on the sea took place at Cronstadt, then called Cronslot, on 18 May 1708.

It seems a pity that the rules of the society did not allow the editor to print the text *literatim*; these are days in which tampering with the spelling of old documents is viewed with suspicion. Occasionally a sentence seems confused, and a certain incongruity is felt because the spelling of the Russian words is often left uncorrected. The editor has employed many valuable works of reference on the Swedish navy, and is well acquainted with the language and history of that country; it is a pity that he had not some one at his elbow to assist him in Russian matters. His great authority on Slavonic subjects is the Polish writer M. Waliszewski, who has lately been delighting the world with highly amusing but somewhat inaccurate books of anecdotes of Russian sovereigns. We cannot enter into minute details, but if Sir Cyprian had not relied so much upon M. Waliszewski he would not have told us on the first page of his book that the word 'tsar' corresponded to the Persian *sar*, the English *sir*, and the French *sire*! Of course it is 'Caesar' and nothing else, as Miklosich and a hundred other Slavonic scholars have shown. Again, on p. 14 he accepts without challenging the story, which is now abandoned by all serious historians, that when Peter found himself hemmed in by

the Turkish forces at the Pruth, in 1711, he sent a letter to the Russian senate to the effect that they were to ignore any terms which he might make while he was in duress. This story appears in no contemporary writer; Moreau de Brasey and Juel, the Danish envoy, know nothing about it. It was first printed in Staehlin's 'Anecdotes of Peter the Great.' The editor leaves many of the Russian expressions and names in a mutilated form. On p. 27 *luckey polley* should be *lutchshe pali*, 'better shoot (me).' *Kotlina (ostrov)* should be *Kotlin*. This mistake occurs several times. Of the names Squerscoff should be Skvortsov; Sinevin, Siniavin; Muconoff, Mukhanov; Tormeshoff, Tormazov; and many others. The Swedish names, as a contrast are very carefully spelt. As a Russian translation of this pamphlet appeared about two years ago—the first form, indeed, in which it saw the light—it would be curious to read the names restored to their proper orthography. Sir Cyprian Bridge does not tell us how or where the manuscript was found, but we believe it was bought in England by Count Putiatin. We must regret that the memoirs of an eminent English surgeon employed by the empress Elizabeth, which are preserved by his descendants, are still allowed to remain in manuscript.

W. R. MOREFILL.

Correspondance inédite du Général-Major de Martange, Aide de Camp du Prince Xavier de Saxe, Lieutenant Général des Armées (1756-1782), recueillie et publiée, avec Introduction et Notes, par CHARLES BRÉARD. (Paris: A. Picard et Fils. 1898.)

M. CHARLES BRÉARD, whose researches have illustrated many and various passages of the local history of Normandy, and who has devoted special attention to the material contained in the archives of Honfleur, has been well advised in publishing, with an excellent introduction, the papers of General de Martange, which had by some unexplained process found their way into this well-stored repository. Their author, called Marie Antoine Bouié in the baptismal register, while the name of Martange seems to have been invented by himself, like the viscounty with which he chose to associate it, was a typical eighteenth-century military adventurer. He was at first destined for holy orders, and nothing could be more touching than the abbé de Bernis's reminiscence, in 1757, of the time when Martange was disposed to become, like himself, *l'un des oints du Seigneur*; but the too frequent vivacities in the letters printed in this volume make it impossible to regret that their writer proceeded no further in this direction than holding in the days of his youth a priory in Maine. He afterwards became professor of philosophy in the Sorbonne, and, to this phase of his career a certain felicity in the use of Latin quotations bears less exceptionable testimony. In 1745, however, he entered the army, and for a year or two led an active military life; but at the peace of Aix-la-Chapelle he was allowed to transfer himself to the service of the elector of Saxony. This step practically decided the tenor of his career. In 1754, or thereabouts, he was attached to the person of Prince Xavier, the second son of the elector-king, and the brother of Maria Josepha, who in 1747 had become dauphiness of France. To the interests of this ambitious but incompetent prince (whose correspondence was

some years since edited by M. A. Thevenot) Martange for something like a quarter of a century devoted energies and abilities of so marked a kind as to cause the duc de Choiseul (who particularly detested him) to call him one of the greatest *intrigants* in Europe, and King Lewis XV to describe him as capable of setting the whole realm at sixes and sevens. His wife afterwards declared that in 1756 he had refused offers from the king of Prussia which could not have failed to make his fortune; but Madame de Martange's own diplomatic gifts were considerable—to judge from the circumstance that in 1765 her husband proposed her for a very delicate secret mission to Neufchâtel—and it would be an injustice to those to construe her assertions too literally. In this very year 1756 the series of papers printed in this volume commences, and it is as engaged in the Saxon service, and as an eager advocate of the Franco-Saxon alliance, that Martange here first comes before us with his own pen.

I must pass by the very curious *projet d'une descente en Angleterre* (1756), though it has many points of interest, and shows how on the French side, quite in accordance with the feeling of depression which in this country preceded the extraordinary reaction of that epoch, a 'battle of Dorking' was confidently expected to result from the intended invasion. Martange's immediate masters soon had an invasion of their own to reckon with; and his next memorandum, addressed to the duc de Belle-Isle, is concerned with the organisation of the Saxon soldiers in the French army. The nucleus of this contingent consisted of the *transfuges* who had found their way out of the Prussian ranks, into which they had been forced by Frederick II after the capitulation of Pirna. Prince Xavier had, with the rank of lieutenant-general in the French army, assumed the command of this unlucky body of troops; but he was not to gain much glory with them, and indeed Martange's private description of them to his wife is the reverse of complimentary.

The ambition of Prince Xavier was, however, set on higher things; and to the satisfaction of this ambition Martange devoted a succession of efforts, during the prosecution of which he seems to have thought it expedient to rehabilitate himself, but found much difficulty in establishing his French military rank as major-general. The main scheme on which his endeavours were long concentrated was that of the prince's succession to the Polish crown on the death of his father, Frederick Augustus II. The paramount expectations of his elder brother were to be diverted by obtaining for him the title of king of Saxony (Martange perceived very clearly that to Saxony itself the Polish connexion was nothing but an incumber); his younger brother, Charles, Duke of Courland, whose cupidity seems to have turned in the same direction, was to be satisfied at the expense of Great Prussia. It was this precious scheme of which the first execution bore the hands of Martange, together with Prince Xavier's military chest and baggage. As a matter of fact he had no prospect of being personally named by France either before or after the peace of 1763, so long as Frederick continued to be acknowledged; and Martange's reliance on his patron did not make Prussian success the basis of his calculations, though would he could it otherwise, was generally true. His clever manoeuvres on the subject have accordingly a very hollow ring, all the more so because they had Prince Xavier and his agent seem to have

been prepared to accept any sort of *pis aller*—in the shape of Luxembourg and Upper Gueldres, or Neufchâtel, or the grand mastership of the Teutonic Order.

In December 1768 Prince Xavier was, by the death of his elder brother, the elector Frederick Christian, following closely on that of their father, suddenly called to the administration of the electorate on behalf of his nephew, the young elector Frederick Augustus III. After a fair beginning he made a poor ending of this office; but with this part of the prince's career Martange remained unconnected, except that in 1766 he was sent to Dresden by the dauphiness to make an attempt at allaying the quarrels between her brothers and sisters at Dresden. His report on this problem as to managing the *linge sale* of an illustrious family, though in itself the reverse of edifying, does great credit to his powers of resource, and above all to his gifts of style. Shortly after his return to France the death of the dauphiness, following on that of her husband, deprived Prince Xavier of what he terms *une amie solide et respectable*, who was in fact the sheet anchor of his hopes, and Martange's splendid project of a double marriage between the French and Saxon courts speedily collapsed. In 1770 we find him advising Prince Xavier to take it easy in what remained to them of their lives; the *comte de Lusace*, as he was called in France, may be said to have followed this counsel to the best of his ability, but the cordial relations between him and his former aide de camp had a sordid and unhappy ending, over which a veil may be drawn.

In 1771 Martange, who had for some time lain quiet in his modest retreat at Maison-Blanche (Seine-et-Marne), was gladdened by the political downfall of the duc de Choiseul and his kinsman the duc de Praslin, not long after he had, apparently for his own satisfaction, drafted a memorial to the king against their Polish policy. Under the management of French foreign affairs by the duc d'Aiguillon he fared better, with the aid of Madame du Barry's influence, which he had from the first sought to propitiate. In 1771 he succeeded in supplanting the abbé Barthélemy (the author of the 'Voyage du Jeune Anacharsis') as secretary to the royal guard of the Swiss and Grisons; in the end their several interests in this post of responsibility were reconciled by means of a compromise. And in 1773 he was charged by Aiguillon with a secret mission of some importance to Lord Rochford, then secretary of state for the southern department. Martange's reports as to his execution of this mission, indited by him with evident *gusto*, form not the least interesting episode of this volume. The object of the negotiation which was carried on behind the back of the French ambassador at the court of St. James's, was to prevent the execution of the Russian designs against Sweden by means of an active intervention on the part of France and Great Britain. But the state of public feeling in this country was such that any open co-operation with France was out of the question, and that should a French fleet take the sea a collision with it seemed unavoidable. Lord Rochford quickly dropped his weak alternative suggestion of inducing Gustavus III to appease his Russian foe by waiving for a time the right of absolutely deciding questions of war and peace which he had secured by his *coup d'état*. The whole transaction, though it came to nothing,

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casts a curious side-light on the subserviency forced upon English ministers by a public opinion with which they were not always at one. So far as I am aware, this secret mission has hitherto remained quite unnoticed.

Martange's diplomatic career, such as it had been, was now practically at an end. For the sake of economy he retired with his wife and daughter to Honfleur, where he seems to have spent most of his remaining years. In 1774 he drew up one more memorandum on the affairs of Poland, which he had so long watched with interested intelligence, and the crucial importance of which for the relations between the chief European powers he very clearly perceived. At the present juncture he was, above all, anxious to prevent an Austro-Prussian *entente* by means of an understanding between France and Russia in Catherine's present quasi-repentant mood. In 1778 he was desirous of serving as a volunteer and aide de camp to the marquis de Broglie in the invasion of England which was then preparing; but in the following year he was still in search of public employment. Even after the arrangement as to his secretaryship had brought some order into his finances, and after he had attained to the rank of lieutenant-colonel, he was still an office-seeker, and in 1782, the last year from which any letters of his are printed in this volume, he applied, without success, for the governorship of the Château d'If. His editor, however, informs us that ten years later he became an *émigré*, and served in the army of the princes; and he survived till 1806 when he died in London at the age of eighty-four. In London he is said to have associated with Delille, who is supposed to have satirised him in his poem 'La Conversation,' published in 1812. Martange, who had a pretty wit of his own, would not have left this debt unpaid had it been incurred in his lifetime.

M. Bréard has in this volume provided his readers with so much that is instructive and entertaining that one is unwilling to dwell on certain signs of haste in the editing, at all events in the earlier pages. General de Martange may doubtless himself be held responsible for the misspellings which abound there—'Boscarven' for Boscawen, 'Blechreeth' for Blackheath, 'Vicedom' for Vitzthum, &c.—but he can hardly have transmuted so well known a Saxon name as Zezschwitz or Zeschwitz into 'Fetzschwitz,' or spelt an immortal locality 'Hamelh.' 'Charles V' on p. 95 should obviously be Charles VI, and 'Brème' on p. 147 Berne; nor is this list of oversights exhaustive.

A. W. WARD.

Oesterreich und die Anfänge des Befreiungskrieges von 1813. Von FRIEDRICH LUCKWALDT. (Berlin: Ebering. 1898.)

AN elaborate monograph based mainly on unpublished papers can be reviewed at length only in one of two ways. If the reviewer has made a careful study of the same papers, he can indicate points which seem to him to have been missed or misinterpreted by the author; or he can declare his own acquiescence in the author's inferences, and his own opinion that the papers have been adequately investigated, as the case may be. Or again, if he knows the subject but not the specific documents, he may go carefully through the history, mentioning every point on which

new light seems to be thrown. It is not probable that any one will review Dr. Luckwaldt's book after the former fashion: he has based a new account of Austrian policy during the ten or twelve months before she joined the great final league against Napoleon, on the Vienna archives. The present writer can testify to the thoroughness of his investigation of them for the year 1812, which affords ground for assuming that he has been equally careful and judicious for 1813. Nor would it be very interesting to review Dr. Luckwaldt's work from the other point of view suggested. His account of Austrian policy contains no startling novelty; he endorses the general estimate which has been currently accepted, at any rate since the publication of Oncken's 'Oesterreich und Preussen im Befreiungskriege,' that Metternich and his master were quite sincere in their hostility to Napoleon, but that they cared chiefly, as was only natural, for the interests of Austria. Under the circumstances it was inevitable that they should feel much hesitation not as to the ultimate end, but as to the steps to be taken in detail. And if they really doubted, their outward action was bound to appear more hesitating still; for they had to deal with powers whose interests were not identical with those of Austria, who were all more or less mistrustful of her, and who could not therefore be taken entirely into her confidence. Dr. Luckwaldt paints the successive phases of Austrian policy, which ought rather to be called intensely opportunist than vacillating, in the minute detail rendered possible by the mass of extant despatches and state memoranda, and he has done his work thoroughly. It is less likely than ever that future historians will adduce sound reasons for rejecting the view of the subject which his researches confirm.

HEREFORD B. GEORGE.

Louis XVIII et les Cent Jours à Gand : Recueil de Documents Inédits.

Publiés pour la Société d'Histoire Contemporaine. Par MM. EDOUARD ROMBERG et ALBERT MALET. Tome I. (Paris: A. Picard. 1898.)

THE documents in this volume have been selected partly from the family papers of the duc de Blacas, the descendant of the minister and confidant of Louis XVIII, and partly from the archives of Berlin, Vienna, and London. The place of honour is given to letters which passed between Louis XVIII and certain of the allied sovereigns, and to declarations, ordinances, &c., put forth by him whilst residing at Ghent. Next comes a correspondence relative to a scheme for interposing French commissaries appointed by the king between the commanders of the invading armies and the population of the provinces invaded. Then we have letters concerning the insurrections which the royalists intended to raise in western and southern France, and the help which they hoped to receive from the court of Spain. Another correspondence between Lainé and Blacas discusses the political settlement of France after the king's restoration, whilst some letters of Baron Vincent, the ambassador of Austria to Louis XVIII, throw light on the relations between the allies previous to the battle of Waterloo. Although these documents are all valuable as first-hand evidence, they rather illustrate than correct our previous impressions of the Hundred Days. We retrace in them the natural anxiety of Louis and his faithful followers to convince themselves and others that nearly the

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whole population of France was royalist at heart, and to salve the dignity of the crown by raising a French force to combat for the Bourbons or by stirring up resistance to Napoleon in France itself. We catch glimpses of the wild hopes and implacable resentments of some of the royalist exiles. We see how closely the little court at Ghent watched the action of the duc d'Orléans, and how faintly the allied sovereigns interested themselves in the principle of legitimacy. Even Ferdinand VII would not stir in his kinsman's cause until the coalition should have commenced the invasion of France. The introduction tells from contemporary documents all that need be known about the residence of Louis XVIII at Ghent. The editors have performed their work with care, but they or the printers have done occasional violence to the English language. Thus we find (p. xliv) 'Sir Stuart' for 'Sir Charles Stuart,' (p. 6) 'Lors Harrowby' for 'Lord Harrowby,' (p. 232) 'acquaintance' for 'acquittance,' (p. 240) 'acceeding' for 'acceding' and 'beleive' for 'believe.'

F. C. MONTAGUE.

Popular County Histories. A History of Oxfordshire. By J. MEADE FALKNER. (London: Elliot Stock. 1899.)

TAKING this as a volume in a 'popular' series, it may be frankly said that it is a very readable book. From first to last it is full of matter of varied interest, set out by frequent apt quotations from documents and authorities. The author has drawn upon not merely obvious sources of information, but others less hackneyed. His incidental comments sometimes show a pleasant wit, and his judgments on controversial points, secular and ecclesiastical, are generally fair. From one exception (p. 154) Lord Macaulay's work might have saved him. The reason why protestant Englishmen accepted James II's unconstitutional acts, in hope of a protestant succession in Mary, sufficiently explains the submission of Oxford Romanists to the measures of Henry VIII, in hope of their reversal by the earlier Romanist Mary. They had a sound constitutional policy: there is no need to impale them on the dilemma of filthy lucre or abject fear of the Tudor despot. The style of the book is clear and pleasant, except in one or two places where the vices of allusiveness and slang come in. On p. 11, *e.g.*, Wittenham Clumps are said to have 'in the vernacular a more homely appellation' which 'recalls the Breasts of Sheba in "King Solomon's Mines."' But the appellation is not given. On p. 76 periods of history find themselves 'curiously sandwiched between' others.

Considered as an historical work the volume is open to criticism. The first portion of it is a disquisition on Greek geographers, Caesar's campaigns, and Roman Britain, which would be in place only in a general history of England. Its presence here is the more to be regretted because it has shut out such exact statements about actual British, Roman, and Saxon remains in the county as, to judge from the too few notices given, the writer was well qualified to supply. The later part of the work has not escaped a very obvious error of judgment. The history of Oxfordshire is a difficult one to write. Under any circumstances it would be hard to bring into a connected narrative places with so little in common as Banbury and Henley, or Bampton and Thame; and, to add to the

trouble, the materials for such a narrative have still to be collected. On the other hand, just in the middle the town of Oxford gives a natural succession of interesting events, of national importance, recorded both in quaint old diaries and in recent monographs. The university and colleges also have a wealth of recorded history, and well-known stately buildings. Mr. Meade Falkner ought to have resisted very strongly the temptation to discourse mainly of these, and to give the county the go-by. As it is, the space given to the shire in comparison with the city and the colleges is an amusing inversion of the minister's prayer for 'the prosperity of little Cumbræ, together with that of the adjacent islands of Great Britain and Ireland.'

This want of precision is manifest also in the details of the book. Places in Berkshire and Buckinghamshire are brought in more frequently than they ought to be in an Oxfordshire history. The tragedy of Amy Robsart at Cumnor, the battle of Edgehill, the declining years of Dr. Robert Plot at Borden in Kent occupy with extra-county events valuable space. We look in vain for information about many keenly contested Oxfordshire elections, about the organisation of the county militia, about the effect in Oxfordshire parishes of the suppression of the chantries, about old county officers, such as the high sheriff, or even about peculiarly county rhymes, like that one which makes Banbury famous where Oxford is yet unknown. Some actual slips may be noted. Misprints give the puritan John Wallis credit for the liturgical zeal of royalist Thomas Willis (p. 254), and enable Richard, 'king of the Romans,' to die in 1271, and then, after founding a monastery, to die again in 1800 (p. 103). Robert Parkinson, subrector of Lincoln in 1570, preaches a moving sermon about 1470 (p. 135). William Laud, seven years after his elevation to the see of Canterbury, becomes bishop of Oxford (p. 171). The index is quite unworthy of the book. Something, *e.g.*, is said of William the Conqueror, Robert Grosstête, John Wilkins, Obadiah Walker, Bishop Samuel Parker, and other Oxford notables in the text, but the index gives no clue to them. 'Dr. Fell' in the index refers only to the father, Samuel; but the book as well as the index ignores his greater son. In the spirit of the epigram it seems not to like the 'Dr. Fell,' the greatest and most useful man of his time alike in the chapter, university, and diocese of Oxford.

ANDREW CLARK.

The History of South America from its Discovery to the Present Time.

Compiled from the works of the best authors, and from authentic documents, many hitherto unpublished, in various archives and public and private libraries in America and Spain, by an American. Translated from the Spanish by ADNAH D. JONES. (London: Swan Sonnenschein & Co. New York: The Macmillan Co. 1899.)

THE title-page of this work is misleading. Only the first four chapters (90 pages) are devoted to the history of South America during the three centuries after its discovery; the rest of the volume (250 pages) is concerned entirely with the revolutions, internecine struggles, and civil wars which make up the doleful and hopelessly uninteresting chronicles of the various South American republics during the next sixty or seventy years. Throughout the book there is a lack of clearness and lucidity both in the

style and in the arrangement of the historical matter, and these defects of the original are aggravated by a poor and halting translation. The poverty and inadequacy of the earlier part of the narrative are perhaps most flagrantly shown in the case of Guiana. The whole story of colonisation in this interesting district—Spanish, Dutch, English, and French—is compressed into a page and a half, containing several erroneous statements. Upon the latter portion of this author's labours no description or commentary can add anything to the language in which he has himself concluded his chapter on Bolivia, and in which he has excellently summarised modern South American history.

It is sad indeed [he writes, pp. 262-8] to have to publish such facts, when they are the consequence of efforts, always unprofitable for the nation that makes them, and only profitable to a few ambitious men, who ruin their country, the conquered of yesterday being the conquerors of to-day. In this quick succession of governments and of parties, of men and ideas, the national conscience vanishes little by little, and at last disappears. He who disposes of the army disposes of the power without consulting the nation at all; the caprice of the conqueror is the only law, with no more reason than force nor more justice than violence. A state in this condition may be said to have lost consideration, tranquillity, and fortune.

This quotation if it stood alone might seem to disprove what has been said above upon the literary demerits of the work, as it appears in its English rendering. To justify this adverse appreciation, two sentences, chosen almost at random, must suffice: 'Bolivar wishes to force the president to give him the troops that he requires, and instead to continuing his march, returns to Cartagena, thus losing precious time' (p. 102). So runs the first, and the second is like unto it: 'The vice-president Santander, though he publicly and apparently opposed the federalist or separatist party, secretly supported it, intending to deceive this party, then to annihilate it by astuteness, and afterwards to substitute Bolivar himself' (p. 120). I will not venture to interpret the meaning of this last enigmatic utterance, but the context suggests that the aim of Santander was to supplant Bolivar in his efforts to become 'a chief elected for life and hereditary' (p. 120). The position to be attained is, however, one which it truly passeth the wit of man to comprehend. G. EDMUNDSON.

The Provincial Governor in the English Colonies of America. By EVARTS BOUTELL GREENE. (Harvard Historical Studies, volume VII.) (New York: Longmans, Green, & Co. 1898.)

While Sir George Trevelyan has been charming the British public with a version of Bancroft on the American Revolution, worthy of a nephew of Macaulay, the new school of American historians treats of the colonial past with less show of partiality than modern writers have displayed over the events of the Athenian democracy. Professor Greene's monograph throws the dry light of science upon a subject on which such light was sorely needed. In the dark story of English wrongdoing, the governor generally plays the part of chief villain, but Professor Greene points out that, 'though the conditions on which colonial appointments were made were hardly calculated to secure the best results,' not a few

governors were 'neither unscrupulous nor inefficient.' The non-aggressive character of the home government is shown by the frequent appointment of colonists to the position of governor. 'Of the ten royal governors of Massachusetts four were Massachusetts men.' And yet, while these things were so, how came it that there was almost continual friction between the governor and those he governed? Professor Greene's answer to this question concerns the general history of British colonial policy, and is very noteworthy as coming from an American source. The governor was the representative and agent of the crown, and the interests of the crown were, in the nature of things, not always identical with the interests of the people. The lesson is writ large in the case of the proprietary government, but it was clearly, though not so coarsely, enforced in the case of the crown colonies. In the crude beginnings the governor had combined executive, legislative, and judicial powers; the Nemesis came when the assembly, intended for legislative purposes, came 'to check and finally to usurp executive powers.' Strong in the power of the purse, the assembly tended to gather within its grasp the whole power of government. If ever the executive should have free play, it is in the conduct of military operations; but Professor Greene quotes with approval the remark of Chalmers with reference to the last French war, that it 'was conducted by committees of assembly.' After describing the combination in one person of the three offices of leader of the House, speaker, and finance minister, Professor Greene adds: 'If it were profitable to dwell upon what might have been, it would be interesting to consider how this development might have worked itself out, had it been uninterrupted by the revolution; not improbably it might have led ultimately to a modified form of parliamentary government.' If by this he meant that responsible government might have proved the good fairy, by which the rival claims of the executive and of the legislature might have become reconciled, the remark will be endorsed by every student of Canadian history. Whether, in the case of the American colonies, even responsible government could ever have bridged the chasm of 'divergent interests,' in which Professor Greene finds the main cause of the revolution, is very doubtful; but, in any case, responsible government for colonies in George III's time would have been as impossible as railways or a penny post, and so the lesson drawn from their past by the framers of the American constitution was the very opposite of the one thus foreshadowed, and involved the rigid separation rather than a subtle fusion of executive and legislative functions. The value of the book is greatly increased by an appendix containing an interesting collection of representative commissions and instructions.

HUGH E. EGERTON.

The Story of the Civil War. Part II. The Campaigns of 1862. By JOHN CODMAN ROPES. (New York: G. P. Putnam's Sons. 1899.)

As a study of one of the most interesting periods of military history Mr. Ropes's second volume is deserving of high praise. The quality in him which most excites admiration is his impartiality. He is no advocate holding a brief, but a judge weighing the evidence and pronouncing

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sentence, awarding praise and blame, chiefly the latter, with judicial fairness. A northerner himself, his censure falls heaviest on the northern generals. There are times when he hardly seems to do full justice to Lee's strategy, nor does he hold the same high opinion of Jackson as does Colonel Henderson. To him Jackson is Lee's executive officer and nothing more. Yet in these cases his judgment, though not winning universal assent, is perfectly defensible.

The chief interest of the campaigns of 1862 consists in their strategic problems; and in the statement of strategic conditions Mr. Ropes is at his best. The military operations of that year commenced in the West, where the federals assumed the offensive. McClellan had committed the initial mistake of dividing the seat of war into two departments, under Halleck and Buell. Mr. Ropes regards the latter as 'as able a general as any in the service. Had he at the first been placed in chief command in the West, it is not too much to say that the confederate army of the West would have ceased to exist before 1 June 1862.' But for Halleck he has no mercy. 'He had had no experience in the field and had little natural aptitude for military affairs. He was careless, indolent, and inexact to a degree hardly to be credited.' Halleck's main fault was that he constantly misread the military situation. Unconscious of danger, he exposed his troops to appalling risks; when he had gained a brilliant success, fear took possession of him and rendered him incapable of following up his victory.

He opened the campaign by sending Grant with 15,000 men on 30 Jan. to seize Fort Henry on the Tennessee. He had not communicated his intention to the commander-in-chief, and ten days earlier had written to Buell that it would not be safe to venture the movement with less than 60,000 men. As the result Grant, after the fall of Fort Henry, was exposed to an attack by Johnston with largely superior forces; had the latter adopted Beauregard's advice and marched with the bulk of his forces to Fort Donelson, for the purpose of fighting a pitched battle, the Confederates would have had a fair chance of retrieving their loss. After the fall of Fort Donelson Halleck was for ten days without any plan at all. Instead of vigorously pursuing Johnston's diminished forces he remained on the defensive, expecting that Beauregard would attack him. Then, instead of combining with Buell for an attack in overwhelming force against the Memphis and Charleston railroad, to the east of the Tennessee, he was quite content with an ineffectual raid against the enemy's communications on the west bank. He made matters still worse by letting Grant remain in an indefensible position at Pittsburg Landing, exposed to the combined attack of Johnston and Beauregard before help from Buell could arrive. Mr. Ropes, in his account of this battle, makes it clear that the Confederates failed in their attempt to destroy Grant's army not because Johnston was killed early in the afternoon, or because Beauregard drew off his forces too soon, but because the plan of turning the Federal left was not carried out. He justly blames both Grant and Sherman for their disregard of all ordinary precautions. 'Probably there never was an army encamped in an enemy's country with so little regard to the manifest risks.' A second time Halleck failed to improve his opportunity. He contented himself with occupying Corinth instead

of seeking to crush Beauregard. Consequently later in the year the Confederates were able in their turn to assume the offensive with a reasonable chance of retrieving their losses. In this campaign the Confederate leaders Bragg and Kirby Smith subordinated military to political considerations. Instead of concentrating a superior force against Buell they occupied themselves with inaugurating a Confederate governor of Kentucky. Buell was enabled to reach his headquarters at Louisville, and, largely reinforced, to resume the offensive. After the indecisive battles of Perryville and Murfreesboro' the Confederates were obliged to fall back to the positions they had occupied before they took the offensive. Mr. Ropes is strongly of opinion that President Davis would have done better to send Bragg in June to the support of Lee. Such an addition to his forces might have given him a decisive victory over McClellan in the Peninsula. But the Confederate president very rarely attempted to concentrate large numbers of troops for any particular campaign; he preferred to let each department take care of itself. Such a policy, leading only to partial successes, must prove defective in a struggle in which the weaker party's political existence is at stake, and only striking successes can compel its recognition as a nation.

Equally able is Mr. Ropes's criticism of McClellan's conduct of the Peninsular campaign. With that commander the imagination was stronger than the will: he was wont to adhere to a plan even when the circumstances under which it had been originally formed had completely changed. Thus he took up a position on either side of the Chickahominy, exposing either flank to an attack by the concentrated forces of the enemy, in order to connect with McDowell, who was expected to advance from Fredericksburg; but though informed on 24 May that McDowell had been ordered to the Shenandoah valley he continued to hold his dangerous position. Mr. Ropes justly censures him for being so easily satisfied to await the results of the siege of Yorktown instead of making his reconnaissances with the desire of finding out some weak spot in the enemy's lines, where an immediate assault might be practicable. Twice over Lincoln withheld McDowell's corps from McClellan. On the first occasion, when it was detained to guard Washington, the president's action is pronounced justifiable on both political and military grounds. But for the second movement, which sent McDowell in pursuit of Jackson, there is held to be no excuse. Had he been allowed to start for Richmond on 26 May, as originally fixed, his corps would have raised McClellan's army to a total of 150,000 men. J. E. Johnston had little more than a third of that number for the defence of Richmond. A crushing blow might have been inflicted before Jackson could come to his help, whilst the 25,000 additional troops, who subsequently fought under Lee in the Seven Days, were at that moment hundreds of miles away.

When Lee had concentrated his troops for a descent upon the north bank of the Chickahominy, McClellan had the choice either of marching with the bulk of his army straight on Richmond or of reinforcing Porter on the north bank. He did neither. The course of the battle of Gaines's Mill proves that had Porter been reinforced a defeat would have been avoided, and very possibly a victory gained. When at last he made up

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his mind to find a new base on the James, he delayed ordering the movement till the night of 27 June. Thus twenty-four hours were lost, and the battle of 30 June rendered possible. This proved the critical day of the campaign. Mr. Ropes holds that in this action Lee was badly served by Jackson. Colonel Henderson has been at some pains to clear Jackson. 'Except for the apparent omission to inform Lee that he was unable to force the passage across the swamp, Jackson was not in the slightest degree responsible for the failure of the confederate operations.' McClellan was not present on the battlefield of the 30th at all, having ridden down to Haxall's Landing to confer with the commander of the naval force. Mr. Ropes comments, 'It is almost incredible that any intelligent man should have acted as McClellan did.' He had not apparently handed over the command in his absence to any of his corps commanders. 'If his army had been beaten on that day, McClellan would have been cashiered, and justly.' Mr. Ropes blames Lee's attack on Malvern Hill as due to a misconception of the temper of the Federal troops, whom he regarded as utterly demoralised by their recent movements. On the other hand Colonel Henderson holds that 'the justification of Lee's assault at Malvern Hill may be found in the story of the Federal retreat' the following day. General Hooker admitted that 'it was like the retreat of a whipped army.' Even when the Federals had reached Harrison's Landing they were by no means out of danger. If Stuart, who had seized Evelington Heights, had not at once opened fire with a single howitzer on the camps below, the heights might have been occupied in force by the Confederates, and the Federal position rendered untenable. Mr. Ropes entirely passes over this incident. It is to be noticed that he rightly rejects the view, expressed by various northern writers, that the Federals might have gone into Richmond on 1 June, the day after the battle of Seven Pines.

Pope's strategy in the second Manassas campaign has been generally condemned; yet special points of interest are to be found in Mr. Ropes's criticism. Pope was handicapped from the first by the composition of his army, made up from three independent and widely separated armies, joined later by detachments from the army of the Potomac, which it was out of the question to incorporate with the army of Virginia; it was not so much an army as a mere aggregation of troops. Halleck, as commander-in-chief, was largely to blame for Pope's failure. His course was clearly to unite the armies of Pope and McClellan: then and not till then a decisive battle might be risked. For that purpose Pope should have been kept behind Bull Run and the Peninsular troops transported to Alexandria. Instead Halleck had McClellan's troops brought to Aquia Creek, and obliged Pope to hold the line of the Rappahannock with a very extended front. Mr. Ropes himself holds that McClellan ought not to have been recalled from the Peninsula, and that his contemplated move to the south bank of the James on Petersburg was the right one.

In regard to Pope's battles, while we may fully justify him in attacking on the 29th, supposing as he did that he had only Jackson to deal with, it is plain that he went directly contrary to his *rôle* in attacking the united forces of Lee on the next day, before Sumner and Franklin had joined him.

But on that day he persisted in the mistaken belief that Jackson was in retreat. A characteristic of Pope's strategical methods is the repetition of 'ill-digested plans, of neglect in securing their execution, of the sanguine view of the future, followed as suddenly by the same unexpected change for the worse in the military situation.' Still up to 30 August, in Mr. Ropes's opinion,

Pope, though he had achieved no success and had entirely failed to take advantage of the unique opportunity afforded him by the temerity of Lee and Jackson, had yet sufficiently accomplished the task which he was set to do. . . . It was the retreat [quite unnecessary in Mr. Ropes's judgment] on the night after the battle of 30 August which has given a character of hopeless failure to the whole campaign.

Jackson's flank march to Manassas Junction is condemned by Mr. Ropes as unnecessarily reckless and really barren of results.

The separation of Jackson from the main body had nothing whatever to do with Pope's mistakes on the field of battle. . . . To oblige Pope to abandon the line of the Rappahannock and retire nearer his base was simply to oblige him to make a move in the right direction.

Colonel Henderson's view is very different.

The only alternative was an immediate retreat: the Federal commander would be compelled to fall back in a north-easterly direction to save his communications, and thus be drawn away from McClellan.

(There is nothing to show that Lee knew at the time that part of McClellan's army had been shipped to Alexandria instead of to Aquia.)

Few generals have occupied a position so commanding as did Jackson on the morning of 27 August. Henceforward his enemies would have to dance while he piped.

When he reached Sudley Springs the crisis was passed. Had the Federals blocked Thoroughfare Gap, Jackson, retreating by Aldie Gap, would have joined Longstreet west of the mountains.

On the 28th, the day on which Mr. Ropes thinks Jackson's duty was to lie *perdu*,

the Federal army had apparently taken the more circuitous route by Manassas, instead of moving direct from Warrenton on Alexandria, and if Pope was to be fought in the open field before he could be reinforced by McClellan he must be induced to retrace his steps. To do this the surest means was a resolute attack on King's division.

In the Antietam campaign the luckiest of chances placed McClellan in full possession of Lee's plans. Yet he did not propose to hurry his movements. Instead of marching at nightfall of 18 Sept. he postponed his advance towards the South Mountain gaps till the following morning, thus enabling Lee to reoccupy them. When Lee, by his bold resolve to offer battle on the northern bank of the Potomac, gave him a further chance, he wasted the 15th and 16th. When he did attack on the 17th his tactics were extremely faulty. Instead of delivering a simultaneous attack all along the line he fought three separate battles. Mr. Ropes points out that the two critical moments in the battle were, first, when, just as the Confederate left centre fell back, 'pretty thoroughly

broken up,' Franklin with his two divisions arrived on that part of the field. Franklin was anxious to put his troops in; and the attack of his veterans could hardly have failed of complete success. But McClellan allowed himself to be over-persuaded by Sumner; only two-thirds of the Federal army took any part in the engagement. The second crisis came when the 9th corps was on the point of capturing Sharpsburg and deciding the fortune of the whole battle. A. P. Hill's timely arrival averted the danger, but had McClellan not put his cavalry in the centre of his line Hill would not have been able to march unmolested from Harper's Ferry. Mr. Ropes severely censures Burnside for the extraordinary delays of the 9th corps. 'Had it accomplished by noon, as it certainly might have done, what it had accomplished by the time A. P. Hill arrived, Lee, in all probability, would have lost the battle.' He also criticises Lee's division of his forces to capture Harper's Ferry, pointing out very justly that in the Gettysburg campaign of the next year he did not deem it necessary to seize that post. It may be argued, on the other hand, that, judging by McClellan's dilatory advance of twenty-five miles in four days, Lee might reasonably expect to have time, even allowing a fair margin for delays, to reunite his whole army west of the South Mountain, before he was called upon to fight a decisive battle. He could not foresee that a copy of his order would fall into McClellan's hands. Mr. Ropes condemns Lee's decision to stand and fight at Sharpsburg. 'It is in truth so bold and hazardous that one is bewildered that he should have even thought seriously of making it.' Yet Lee had invaded the north with the object of fighting a decisive battle. Not only was he confident of holding his own against McClellan, but he hoped by a vigorous counterstroke to deal his foe a crushing blow; and according to Colonel Henderson's view of the battle he very nearly succeeded. 'The fortuitous advance of Smith's division (of Franklin's corps) at the very crisis of the struggle had in all human probability rescued the Federals from a terrible defeat.' Mr. Ropes with sound reasoning, as it seems, dissents from this view. He considers that the Confederates were at no time in a position to deliver an effective counterstroke. As Porter's veteran corps was still held in reserve by McClellan, this seems probable enough. The real point, however, seems to be, not had Lee a reasonable chance of gaining a victory on the 17th, but had he sufficient grounds for standing fast on the 15th? It is quite plain that had McClellan attacked on either the 15th or 16th Lee must have been defeated; for on the 15th he would have been without twenty-six of his brigades, and on the 16th without fifteen. Mr. Ropes maintains that Lee was unable to discriminate between successes gained against poor troops and successes gained against good troops badly led. To underestimate his adversary's strength was, he thinks, the habit of Lee's mind. Colonel Henderson considers, however, that the two armies were by no means equal in quality. Nor does it seem too much to say that at Sharpsburg the Federals were as badly led by McClellan as by Pope at Manassas.

The choice of McClellan's successor was singularly unfortunate. Burnside's brief command was an unbroken record of errors. Having resolved to change his base of operations he might still have continued the advance on Culpeper; failing to bring on a battle with Longstreet's

corps he could still have crossed the Rappahannock by the upper fords and taken the same line of march as was adopted by Grant in 1864. His tactics at the battle of Fredericksburg could only lead to disaster. 'One rises from a perusal of his order to Franklin,' says Mr. Ropes, 'with a feeling of hopeless amazement that such a wild and absurd plan of battle should have ever been entertained by any one.' The sole chance of success was, as Franklin urged, a movement in large force against the Confederate extreme right. Burnside, however, ordered that this movement should be made by a single division, whilst Franklin was to keep the main part of his command in position for a rapid movement, so as to co-operate with Sumner's attack on the centre. The two parts of this order were inconsistent. Thus when Meade had penetrated to the very heart of the Confederate position there were no supports, and Jackson was enabled to deliver a telling counterstroke. Mr. Ropes criticises Lee for letting Jackson remain so long in the valley, and also for not recalling him from the lower reaches of the river, whither he had been subsequently sent, till the last moment. But Lee's original plan had been to fight not on the Rappahannock, but on the North Anna, thirty-six miles further south. The resolve, strategically sound, was overruled by Davis for political reasons. Jackson himself was reluctant to leave the valley, because he had apparently a scheme of his own (the details of which are unknown) for a movement against the Federal communications. Lee deliberately abstained from calling up Jackson from below Fredericksburg till the day before the battle in order to lead Burnside into a trap. The Federal commander would hardly have attacked the formidable position of the enemy unless he had supposed that only Longstreet's corps was in front of him.

Mr. Ropes has some very instructive observations upon the proper functions of cavalry raids. He considers that the great risks run by Stuart were not compensated for by the results attained.

On p. 385 Franklin is spoken of as commanding the 5th corps. It should be the 6th. Also on p. 390 Lee is spoken of as intending to move eastward to the Cumberland valley. The direction of the intended march would be west. Mr. Ropes also says (p. 165) that Jackson, going to attend a council of war in Richmond, rode the last fifty miles on horseback for fear of being recognised as a passenger in the train. The more probable reason is that the railway beyond Fredericks-hall had been destroyed by the enemy's cavalry. W. B. WOOD.

Side-Lights on American History. By HENRY W. ELSON, A.M.
(London: Macmillan & Co. 1899.)

THE title 'Side-Lights' suggests something, if not better than what Mr. Elson gives, as at least different from it. One expects some revelation of under-currents, some thoughtful estimate of the less obvious aspects of events or characters. Whenever Mr. Elson is dealing with grave historical issues he gives us little but what is obvious and somewhat trite. In dealing with the Declaration of Independence and the framing of the Federal Constitution—two subjects of Mr. Elson's monographs—he does not rise above the ideas with which we are familiar in the writings of Bancroft and his followers. That the generation of Americans

who immediately succeeded to the conquerors in the war of independence should have been exultant rather than judicial was but natural. But such writers as Mr. Tyler, Mr. Jameson, and Mr. Ferguson have shown us that Americans can deal with these questions in a spirit which rises above uncritical optimism. The best thing, perhaps, in the two essays to which I have alluded is the clearness with which Mr. Elson sets forth the hopeless inadequacy of the first Federal Constitution. The accounts of Fulton, the inventor, and his steamboat discoveries and experiments, and of the western explorations of Lewis and Clark, are clear, sensible, no wise brilliant, monographs. The article on the Monroe doctrine is a clear but commonplace and uncritical presentment of the various entanglements of the United States with foreign powers, arising out of a claim to supremacy in the New World. But neither here nor elsewhere does Mr. Elson rise above the level of intelligent journalism. His teaching, as I have said, lacks underlying thought; his style lacks alike grace and incisiveness. His nearest approach to an independent judgment can hardly be thought a fortunate one. He has a curious tenderness for the memory of Aaron Burr, a feeling which will hardly be shared by those who have studied the character and doings of that pinchbeck crusader, so admirably described by Mr. Henry Adams. J. A. DOYLE.

Mélanges de littérature et d'histoire religieuses publiés à l'occasion du jubilé épiscopal de M^{sr} de Cabrières, évêque de Montpellier. Vol. I, II. (Paris: A. Picard. 1899.)

As a mark of their appreciation of the wide literary sympathies of the bishop of Montpellier a number of Roman Catholic historical workers have presented him with a collection of essays. The first volume contains short papers from twenty-three writers on divers subjects and of varying merit. The early centuries are represented by articles on the origin of the episcopate, the new Sayings of Christ, Tacitus's account of the Jews, and by a transcript of the Verona manuscript of the 'Historia Acephala Arianorum.' Dom Morin discusses the authorship of the 'Epistola S. Augustini contra Arrianos de misterio Sancte Trinitatis,' and traces it to the pen of S. Caesarius of Arles. Archæologists interested in the early Christian antiquities of Rome will value the abbé Duchesne's paper on the remains of the churches in the Forum, which summarises the results of recent research. Dom Cagin contributes notes, introductory to further liturgical studies, on the Gellone sacramentary, with a transcript of its masses and benedictions for the 'Natale Episcoporum.' Dom du Bourg takes the abbey of Aniane for his subject, sketches its early and late history, and prints some fragments of Smaragdus. Father Denifle narrates the story of Arnaud de Cervole, bandit and archpriest, as an incident in the history of the destruction and desolation of the churches and monasteries in France during the hundred years' war, to which he has for some time been devoting his attention. Father Dousset publishes a 'De ordinatione officii Missæ,' the work of Bernard Gui, master-general of the Dominican order in 1311. The abbé Vidal writes on the supposed plot of the Jews and lepers, 1321, quoting from a confession found in a Vatican manuscript, and inclining to the view that the

persecutions of that year are traceable to a real cause. The other papers, based for the most part on local manuscripts, are not of much importance.

The second volume contains a summary on the writings of Dionysius Carthusianus, based on the Rawlinson MS. C. 564, a list of his works drawn up by himself. The principal paper is a well illustrated catalogue of the seals (chiefly ecclesiastical) of Languedoc, by the Capitaine de Hoym de Marien. A number of papers on the religious foundations of Montpellier and the neighbourhood during the seventeenth century serve to complete the volume.

A certain air of lifelessness is perhaps almost inseparable from complimentary publications of this kind. The greater number of contributors cannot fail to be aware that their fate must be oblivion, and they are willing accordingly to give only of the *débris* of their notebooks. The vitality of historical studies in the south of France must not be judged by jubilee publications.

MARY BATESON.

The pamphlet on *Ciceros Villen*, by a well-known Ciceronian, Otto Eduard Schmidt (Leipzig: Teubner, 1899), is a reprint from the philological journal once known as *Fleckeisen's Jahrbuch*. It contains attempts to locate Cicero's villas at Arpinum, Formiae, Tusculum, Antium, Cumae, Puteoli, and Pompeii, and is not, properly speaking, an historical work. It contains much to interest students of Cicero, much to interest visitors to the sites mentioned or students of their topography. It is scholarly, pleasantly written, and well illustrated, and may be compared in each of these respects with M. Boissier's charming 'Promenades Archéologiques.' Its details would deserve discussion in a review devoted to specially classical or archæological subjects; here it would be out of place, and one need only thus briefly recommend a pleasing pamphlet.

F. H.

Under the title of *La Macédoine: la question Macédonienne dans l'antiquité, au moyen-âge, et dans la politique actuelle* (Berlin: Raede, 1899) Dr. Nicolaïdès has given us what professes to be a scientific treatise, but is really a political pamphlet, strongly biassed in favour of the Greeks and specially abusive of the Bulgarians. As samples of his history we may cite the amazing statements that the oecumenical patriarchate 'preserved to the Christian races of the east their own nationality during the Ottoman domination' (pp. 19, 91), that 'no race in Macedonia except the Greek has produced a single man of mark,' and that 'since the year 1018 Bulgarian history contains only one noteworthy event, the victory of Slivnica.' He denies the existence of any Macedonian Roumanians or of any Bulgarian popular songs, and ignores the antiquity of the Pomaks, the early Serb foundations on Mount Athos, and the opposition of the oecumenical patriarch to the autocephalous church of Greece prior to the *συνδικὸς τόμος*. In his intellectual contempt for the Bulgarian peasant he forgets the proverb, *Le Bulgare, sur son araba, poursuit le lièvre et le prend*.

W. M.

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M. G. Gavet's stout volume on the *Sources de l'Histoire des Institutions et du Droit Français* (Paris : Larose, 1899) would have been more useful had the compiler limited himself to his professed subject. But he has yielded to the temptation, which besets the bibliographer, of including all manner of things only remotely connected with it. We find here, for instance, J. R. Green's *Short History of the English People* (which, by the way, M. Gavet supposes to be an abridgment of the longer 'History' published subsequently in four and more recently in eight volumes), though we do not find Pollock and Maitland's *History of English Law*, which offers abundant suggestions for the student of French law and institutions. A considerable amount of space might have been gained by the omission of many quite superfluous sections, e.g. those on the history of the language and literature of various countries. The section on diplomatic is a workmanlike abridgment of a part of the late M. Giry's treatise ; but it has no proper place in a book which claims to be a manual of historical bibliography. The volume is so clearly written and full of interest, and for its own subject so complete, that it is a pity that it should suffer from faults of method which seriously affect its practical value. B.

Mr. George Neilson in his *Annals of the Solway until A.D. 1907* (Glasgow : James McLehose & Sons, 1899) makes out that the word Solway (Sulewad, Sulwath, 'the muddy ford') was first applied to a regular crossing-place at the mouth of the Esk, hence in course of time to the estuary. The Lochmabenstane marks the Scottish terminus of the ford, and was a meeting-place for the administration of border justice. Norse vikings have left their trace in the place-words of the neighbourhood, and there were raids up to and from Carlisle. But Edward I preferred to approach Scotland by way of Berwick, and the siege of Carlaverock Castle in 1300, a fleet from the southern ports of England co-operating, was his only great undertaking on this side prior to the last campaign, which was rendered abortive by his death at Burgh by Sands. C.

The vast and important communal archives of Ypres have hitherto remained without sufficient order and classification, in spite of the labours of an intelligent archivist or two earlier in the century. In fact, until about 1860 it was customary to sell by the pound historical documents from the huge pile in the belfry, to be used in lieu of paper bags by the dealers at the annual fair. In 1883 several cartloads were burnt, and in 1888 the town archivist himself advised a further destruction of *ces papiers inutiles*, but this time the Collège Echevinal does not seem to have cared to take upon itself the responsibility for a repetition of such an act of folly. At last, in 1896, an archivist was appointed in the person of Mr. Emile de Sagher, who has undertaken to supply what his predecessors have neglected. As, however, a complete classification and inventory of the archives must necessarily be the work of many years, Mr. de Sagher has as an earnest given to the world a *Notice sur les Archives Communales d'Ypres et Documents pour servir à l'Histoire de Flandre du XIII^e au XVI^e Siècle* (Ypres : Callewaert-De Meulenaere, 1898). Here we have a history of the archives, interspersed with documents, 92 in number, as specimens of what is to be found in the unclassi-

fied or insufficiently classified portions, as well as of what has so recently been wantonly destroyed. We note among them (no. 2) a roll of the debts of the town on 28 April 1298, amounting to 17,346 livres parisis. The town's income from November 1297 to November 1298 came to 25,280*l.* 27*s.* 2*d.*, and the expenses to 17,128*l.* 12*s.*, inclusive of 6,356*l.* paid in reduction of the debt—apparently a most satisfactory state of things. No. 61 contains a list of the *Haeghe Poorters*, or citizens resident outside the *échevinal* district, in 1465, numbering 1,474 in all, dispersed through 137 towns and villages. No. 72 is a detailed account of the siege of Ypres, carried on at the time by the prince of Parma, submitted in March 1584 to the states-general, in order to induce them to succour the town. This notice embraces pp. 9–220, the remainder of the book (pp. 221–370) consisting of an 'Aperçu sommaire des diverses collections composant les archives communales d'Ypres.' This is the portion of the book likely to prove most generally useful to the student of history until the completion of Mr. de Sagher's great work, the full inventory. D.

Mr. Walter Phelps Dodge's *Piers Gaveston: a Chapter of Early Constitutional History* (London: Fisher Unwin, 1899) had much better never have been published. The author's own work is full of inaccuracies, and the remainder is borrowed (usually without acknowledgment and with the insertion of the borrowed references) from such sources as the 'Dictionary of National Biography,' Bishop Stubbs's 'Constitutional History,' and Gilbert's 'Viceroys of Ireland.' Mr. Dodge shows a praiseworthy interest in his subject, but is quite unqualified for the task he has imposed on himself. The fashion in which he has used his authorities is ignorant, careless, and slipshod. Thus on p. 70 we are told that 'the sentence of banishment on Gaveston under pain of death and excommunication was published throughout the kingdom, with the approval of every one except the king and queen,' and are referred to the 'Annales Paulini,' i. 268. This is what we read there:—

Post hæc Petrus regnum Angliæ egredi festinavit, non compariturus in Angliæ, in crastino Nativitatis Iohannis Baptistæ sub poena vitæ et excommunicationis maioris; quæ publicata erat per totum regnum diebus festivis in omnes sibi adhaerentes rege et regina duntaxat exceptis.

On p. 177 we learn that the Jacobin brothers did not dare to bury the body of Gaveston in the church, 'because it was in irons,' which is Mr. Dodge's way of translating *quia innodatus erat sententia*. Mr. Dodge borrows without acknowledgment from Professor Tout's article on Edward II in the 'Dictionary of National Biography,' and takes the whole of his character of the king from him. On pp. 76 and 77 a whole page is taken from Gilbert's 'Viceroys of Ireland' (pp. 113, 114). A very brief extract will illustrate the way in which it is done. The italics are our own.

Dodge, p. 77. 'In many of these *palatines* native *plantations* still remained either tributary to or in alliance with the Anglo-Norman lords.'

Gilbert, p. 114. 'On most of these lands (*i.e.* the "liberties") native septs still existed, either tributary or alternately in alliance with or opposed to the Anglo-Norman lords.'

On p. 86 Mr. Round's article in the 'Dictionary of National Biography' (xiv. 418) on Hugh le Despenser (*d.* 1265) is copied almost verbatim, including the references. Yet immediately afterwards Mr. Dodge confuses the younger Despenser of the time of Edward II with the elder, though their biographies follow that of their ancestor in the 'Dictionary,' and have evidently been used by him. The grievances of 1307 (p. 91) are copied from Bishop Stubbs's 'Constitutional History,' ii. 398, *prices* of corn, &c., substituted for *prises* in the second article, and various omissions and verbal alterations made. Enough has been said to show the character of the work.

W. E. B.

For the benefit of those reading Shakespeare's *Richard II* Miss Beale, of Cheltenham, has printed (London: Bell, 1899) from the twentieth volume of the 'Archaeologia' Canon Webb's prose translation of the picturesque French poem relating the story of Richard's last expedition to Ireland and his deposition, which was there first published. She is evidently not aware that the anonymous author was subsequently identified with one Creton who refers to this poem in a letter he wrote to Richard in 1402, when he was reported to have escaped from Henry's prison. Mr. Dillon printed this letter in the twenty-eighth volume of the 'Archaeologia.'

J. T.

It is quite right that something should be written in English concerning the great queen who carried through the union of Kalmar (*Margaret of Denmark*, by Mary Hill. London: Fisher Unwin, 1898). But the work ought to be done by an historian who knows the Scandinavian tongues and can handle original documents with ease. A fair impression of this little book may be gathered from the 'list of authorities' printed at the end. There is not a single chronicle cited, nor a single book in Danish, Swedish, or German. Only French and English authors appear, and they are all out of date. At one time it might be permitted to a leisured person to construct a little history book out of the Abbé Vertot, Dunham's 'Scandinavia,' and Pufendorff's 'Histoire de Suède' (Amsterdam, 1748); but now even the general reader requires a more solid and sustaining literary diet. However we trust that this little volume may fall into the hands of some of the many who know absolutely nothing about Scandinavia; to those who have never heard of Margaret it will give at least some idea of her character and achievements.

E.

In his *Life of Richard Badiley* (Westminster: A. Constable & Co., 1899) Mr. Spalding complains that his hero makes no figure in history. It was, however, inevitable that it should be so. An admiral who, by no fault of his own, has failed to accomplish what he is sent to do cannot possibly become a great historical figure. There is all the more reason to be thankful to Mr. Spalding for rescuing from oblivion this great sailor of the Commonwealth, and for showing him in his true colours, firm, resourceful, and generous. Though he failed to command success in holding the Mediterranean against the superior forces of the Dutch, through the incompetence of his slippery subordinate, Appleton, he had in him the

stuff of which great seamen are made. No one can rise from the perusal of this volume without the conviction that it was not the commander who was wanting to the fleet, but an adequate fleet to the commander. In dealing with the surroundings of his special subject Mr. Spalding is sometimes at fault; he ought not, for instance, to have doubted the reality of the storm which drove Tromp over to the Downs before his first fight with Blake any more than he ought to call the Dutch admiral by the name of Van Tromp. For the care with which he has collected evidence on his special subject, and the skill with which he has marshalled it, he is worthy of all praise.

S. R. G.

Mr. A. J. Sargent's work on *The Economic Policy of Colbert* (London: Longmans, Green, & Co., 1899) is careful and exhaustive. Its thesis is Colbert, the *political* economist. 'It is hardly possible,' Mr. Sargent observes, 'to regard the desire for the self-sufficiency of France as other than political in its origin; a desire for national independence in the face of possible enemies.' Grant Colbert his leading principle, and, as Mr. Sargent shows, his policy was thoroughly consistent—his struggle to simplify finance and secure fiscal unity, his *soulagement du peuple* in the interest of the treasury, his firm assertion of the axiom 'that it is simply and solely the abundance of money within a state which makes the difference in its grandeur and its power,' his fussy devotion to industry and commerce, and his apparent neglect of agriculture. Mr. Sargent has entered into the labours of M. Depping and M. Clément, but he has sifted the voluminous Colbert literature for himself, and has not failed to embody all the evidence of first-rate importance in his clear and convincing sketch. As an historian he loses no opportunity of clearing himself of any suspicion of economic orthodoxy, and considers it superfluous to pass judgment on a policy which he has shown to be consistent. The book is furnished with an excellent Colbert bibliography; and the only desideratum seems to be a preliminary chapter on the leading economic ideas of the seventeenth century.

W. G. P. S.

The second volume of the *Calendar of Treasury Books and Papers*, prepared by Mr. W. A. Shaw (London: printed for H.M. Stationery Office, 1899), extends from 1731 to 1734. The first volume of the series, comprising the years 1729–1730, was reviewed at some length in the *ENGLISH HISTORICAL REVIEW* for July 1898. This volume is produced on exactly similar lines to the first, except for the omission of entries from 'Declarations of Surpluses' and the 'Public Disposition Book,' for reasons which are set out in the preface and appear to be adequate. As far as can be judged it is edited and printed with the same remarkable care as its predecessor, and here again the index, which covers 130 pages, makes what would otherwise be a hopeless congeries of facts a book of easy reference to the student. Fuller notice must be deferred until, with the close of the reign, Mr. Shaw gives his promised introduction on its financial history.

B. W.

Professor Luigi Piccioni's *Studi e Ricerche intorno a Giuseppe Baretti* (Livorno: R. Giusti, 1899) are somewhat disconnected and frag-

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mentary, and are interesting to the literary rather than to the historical student; but they have evidently been a labour of love to the author, who is thoroughly familiar with his subject. The notes are full and almost always accurate, and the book as a whole may be heartily recommended to all who care for Baretti or for the Italian literature of the eighteenth century. Baretti's name is familiar even to those who have not used his dictionary, for he was on friendly terms with a group of men every detail connected with whom is valued by all who take an interest in the English literature or English society of his time. Three of Dr. Johnson's best known letters are addressed to him, and it was after Boswell had censured 'some ludicrous fantastic dialogues between two coach horses and other such stuff' which Baretti had lately published that Johnson remarked, 'Nothing odd will do long; Tristram Shandy will not last'—a most notable proof how unable even the most clear-sighted contemporaries are to discern the immortals—for good or evil—in their midst. Moreover Baretti's trial for killing with a silver fruit knife one of a mob of ruffians who attacked him in the Haymarket will be remembered by every reader of Boswell, who tells us that 'never did such a constellation of genius enlighten the awful sessions house' as when Burke, Garrick, Beauclerk, Reynolds, and Johnson collected to give evidence in their friend's favour. The account given of this affair by Baretti himself (p. 542) throws a lurid light on the condition of the London streets in the latter part of the eighteenth century, and on the dangers to which foreigners were exposed in them, and is one of the few passages in the book which may be said to be of historical and not merely of literary or purely personal interest. Baretti, who wrote English and French not less correctly than Italian, was one of those useful men who introduce nations to each other, or make them better acquainted. He found a ready welcome and numerous pupils in England, where at that time the Italian language and literature were more studied by educated men and women than at the present day. He was an indefatigable and voluminous writer both in Italian and English, but his works are now of little interest except to the literary student. The causes for which he pleaded have won. Shakespeare and Dante need now no defence against the strictures of Voltaire. Nor would any one deny that the Italian writers of the eighteenth century err on the side of rhetoric and prolixity; and the words of the advocate are not so eloquent nor his arguments so ingenious as to command our attention for their own sake.

F.

No English school can compete with Eton in the interest of its internal history or of its connexion with public life. In Sir H. C. Maxwell Lyte's *History of Eton College* (London: Macmillan, 1899), which now reaches a third edition, it possesses a worthy record of its greatness and the most important school history in existence. Since its first appearance, in 1876, the book has grown by a hundred pages. A great part of this additional matter belongs to the present edition. It is for the most part illustrative of the condition of the school in the last two centuries, and the record has been carefully brought down to the present time. The literature of Eton anecdotes is so copious that the difficulty

they present to an historian is that of selection. But we are surprised that no attempt has been made to include an Eton bibliography in the appendix. We cannot help feeling that if the book were being brought out to-day for the first time the illustrations, interesting as many of them are, would be of a more satisfactory type. G.

Among the builders of Greater Britain *Admiral Phillip*, of whom we have a biography by Messrs. L. Becke and W. Jeffery (London: T. Fisher Unwin, 1859), deserves an honourable place. Unfortunately the materials for his life are very scanty. With regard to the foundation of New South Wales, the curtain is somewhat lifted, but the rest, for the most part, is silence. Messrs. Becke and Jeffery have made good use of such material as existed, but it is not given to any one to make bricks without straw. The editor has done well in unearthing from the Portuguese archives the records of Phillip's services under the Portuguese government. The character given of him—'His health is very delicate, but he never complains, excepting when he has nothing special to do for the royal service'—might have been written of a yet greater English sailor. H. E. E.

The object of the useful collection of extracts from original authorities entitled *Source-Book of American History*, by Professor A. Bushnell Hart (New York: the Macmillan Co., 1899), is to accustom the student from the first to go to the primary sources of historical knowledge. A collection which proceeds from Christopher Columbus to Colonel Theodore Roosevelt and his rough-riders assuredly does not err from want of comprehensiveness, while Professor Hart's knowledge of the subject makes the selection as representative as is possible within the limits of space. Of course the book is to be regarded as a starting-point for further studies. H. E. E.

CORRESPONDENCE

THE HIDATION OF BUCKINGHAMSHIRE

I AM sorry to say that I find there were several omissions in the table of Buckinghamshire hides which I gave in the number of this Review for April last. These additions upset the roundness of the county total, and my argument must therefore rest upon the figures for Surrey and Gloucestershire.

F. BARING.

CRECY AND CALAIS

(1) MR. MORRIS seems to me to have taken a mistaken view of the scope and object of my book, which has no pretension to be an exhaustive account of the campaign based on a scrutiny of existing documents, but is simply what its title imports, 'Crecy and Calais from the Public Records.'

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(2) In my story of the campaign I have followed Froissart, for I consider him to be by far the best authority for it, as he lived on terms of intimacy with many who had taken part in it; but I have also consulted Robert de Avesbury, Knighton, and other authorities.

(3) Edward III is shown by the records to have discarded the old feudal levies and raised an army on an entirely new basis, and one which resembled in many ways a regular army of the present day, a fact not hitherto noticed.

(4) I believe the extraordinary mobility of Edward's forces, which traversed immense distances in an enemy's country without transport or supplies, to have arisen from his use of mounted archers, consisting of the younger sons and tenants of the landed proprietors, and of the ancient freeholders in the counties, whose names are given at length in the retinue rolls at the Record Office. These men were able to scour the country for miles in front and on the flanks of the English army, and sweeping in all the produce and spoil of the country, enabled the English to move rapidly without the incumbrance of a transport train. A force of this kind was peculiar to the English during the reign of Edward III, and its reputation became so great that it was subsequently copied by other nations. As previous writers had taken no account of these important facts, I felt some surprise in reading that I 'had not grasped the chief points of the campaign.'

(5) On the specific points where your reviewer disagrees with me I still think, with the greatest respect to Mr. Morris, that I am right. He says, for instance, that Sir Thomas de Hawkestone could not have been at Crecy, because the rolls show he was in England in August 1346; but the future participle *profecturus* is used very loosely in the records, and often refers to an antecedent period: thus on the plea rolls we frequently find that a suit is made *a remanet* because one of the parties is *profecturus ad partes transmarinas in servitio regis*, when we know from other sources that he had left the country some time before. The letters of attorney, again, of Walter de Mauny on the French roll are dated 12 Sept., 21 Ed. III. In these letters he is stated to be *profecturus*, but he must have arrived at Calais before that date; when, therefore, the memoranda rolls distinctly state in two separate writs that Thomas de Hawkestone had served all the time with the king from the date of the disembarkation at La Hogue, they are far more likely to be correct than the date given on the writ of protection, besides which it must be remembered that Sir Thomas was a knight of the king's household and could hardly have been absent on such an occasion.

(6) Though Mr. Morris says Ralph de Stafford could not have been at Crecy, because he was in Guienne, it appears that Ralph Lord Stafford was exonerated from his office of seneschal of Guienne at his own request, by a writ dated 15 March, 20 Ed. III; and this was without doubt issued to enable Ralph to accompany the king to Normandy.

(7) The word 'constable' does not puzzle me, as Mr. Morris thinks, except that it is used in many different senses, from the constable of a township to the constable of a fortress. When used, however, in medieval muster rolls, it signifies the commander of those bodies of mounted men which were unattached and formed no part of a banneret's retinue.

Mr. Morris says it means a 'mailed trooper,' but every man on horseback in the fourteenth century may have been a mailed trooper. The mounted archers and hobelars wore coats of mail when the wearers happened to possess them; but the man-at-arms carried in addition plate armour and a shield, and was mounted on the *destrier*, or large war horse. The hobelar, or archer, was mounted on the small horse, from which we derive the word 'hobby horse' at the present day.

(8) It is true that, as Mr. Morris complains, I have omitted all mention of the fleet, but in my preface I explained that I had been forced to omit all the naval writs for want of space. A writer must consult his means and his subscribers, and the naval writs would have nearly doubled the size of the work.

(9) The discovery of Wetewang's accounts at the College of Arms is due to Mr. Scott Gatty, York herald, who first drew my attention to them. Since my book was published Mr. Horace Round has also discovered the transcript of another portion of the same accounts in Harleian MS. 3968. This manuscript gives the retinues of those knights of the king's household which are missing in the copy in the College of Arms. Mr. Morris does full justice to this discovery, but it is hardly fair of him to say that I have not done so. I have added to them several pages of notes, and have been able to identify some of the bannerets named in them, who have been wrongly described in the historical peerages. Mr. Morris certainly hits a blot in the omission of William of Wellesley's letters of protection, and your readers have to thank him for his notes on Brady's use of the Wetewang accounts, which are curious and interesting, and may eventually lead to the discovery of the original manuscript.

GEORGE WROTTESELEY.

(1) A REVIEWER has to point out where a book falls short, whatever may be the author's intention.

(2) Froissart was a child in 1346, wrote in very vague language in many places, and entirely from oral communication, the value of which is seen from the fact that he made three versions, and often made errors, e.g. that Arundel was constable. Murimuth, just as Robert de Avesbury, wrote from contemporary documentary evidence. Geoffrey le Baker de Swinbrook has become a classic since Sir E. M. Thompson's edition appeared.

(3) It is a commonplace that the army of 1346 was not a feudal levy. It was, indeed, collected by methods not employed before, but from the first Welsh war of Edward I there was a steady development of the paid national army out of the feudal. We knew already that there was a call for soldiers according to the value of landed property, but it was rather a trick on the king's part to get money in lieu of service, he being unable to borrow from Italy since his repudiation.

(4) If General Wrottesley had written as clearly in his book as in his expostulation, I should probably have noticed the horse archers. It was known from Brady that about a quarter of the archers were mounted, and now from the Herald's College copy we know details. Their use on the Scottish border is known from Exchequer Accounts $\frac{2}{3}$ (siege of Dunbar, 1337-1338) and Scotch roll 1347. But it seemed to me that the 'chief

points of the campaign' were that Edward was cut off from England by the flat insubordination of the captains of his fleet, that a relieving fleet was being organised at an early date, messages being got through by way of Guernsey, and that he stood at bay at Crecy when at last on the right side of the Somme and while hoping soon to get contact with that fleet, the geography of Ponthieu being known probably to himself and to many Englishmen. Another point is, when did he first decide to besiege Calais, and what can be said of the Harcourt legend?

(5) Thomas de Hawkestone was marshal of the troops in the relieving fleet (patent roll, 20 Edw. III, part 2, m. 6 back, under date 12 Aug.; French roll, 20 Edw. III, part 2, m. 19, 21 Aug.) Therefore 'continuously' must be received with caution.

(6) Lord Stafford; see p. 156 of General Wrottesley's own book.

(7) I thought that the note about 'constable' seemed to be tentative. By my own criticism I meant that in many pay rolls the word is used as a synonym for man-at-arms, valet, sergeant-at-arms, esquire (*scutiferus* in the sense of a soldier rather than a novice or aspirant to knighthood), i.e. a trooper of heavy cavalry at his normal wage of one shilling a day. A centenar of infantry is usually styled 'constable,' drawing the shilling when properly mounted and armed. I said 'mailed' because mail was then normal for men-at-arms, very few even of high rank having plate at that date, *teste* Jehan le Bel.

(8) It is unfortunate that space prevented the inclusion of some of the naval writs. The questions of contact with England and of the defence of our own coasts were essential, and the latter is important constitutionally if we wish to judge of Noy and ship-money.

(9) I never denied the value of the book, but it took me a long time to analyse the printed material and to test some extracts by the original, so as to get my own deductions. I wished to establish the approximate total of the fighting strength at Crecy, the nature of the reinforcements, and the date when the great army of 32,000 men was encamped before Calais. The two writs quoted under (5) are both in Rymer, and gave me the hint that the rolls contained more than was printed in the book. Brady has been quoted and misquoted by many writers. I think that any keen student of medieval warfare will be delighted to have General Wrottesley's work, but may have to search laboriously through it to establish other points.

J. E. MORRIS.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to Mr. E. L. Poole, at Oxford, by the first week in March, June, September, and December.]

- Thucydides and his predecessors*: by F. CAUER.—Hist. Zft. lxxxiii. 3.
- The origin of the Apostles' Creed*: by E. VACANDARD [a survey of recent investigations and criticisms. The writer thinks that the original creed dates from the latter half of the second century, and that the present text was developed in Gaul before the end of the seventh century].—Rev. Quest. hist. lxvi. 2. Oct.
- The prologue of the Lex Salica, the origin of the Law, and the Salian Franks*: by O. DRPPE [defending the tradition of an original purely Frankish version, and upholding the view that Salian was not a tribal name but applied to the ruling class among the Franks of the Lower Rhine].—Hist. Vierteljahrschr. ii. 2.
- The lives of Merovingian saints*: by KÜNSTLE [who joins with L. Duchesne in attacking B. Krusch's thoroughgoing application of the theory of forgery].—Hist. Jahrb. xx. 2, 3.
- Who was Pseudo-Dionysius?* by G. KUTÖER [identified with Dionysius of Gaza].—Byz. Zft. viii. 2, 3.
- The traces of monophysitism in the works of Malalas*: by C. E. GLEYE. Byz. Zft. viii. 2, 3.
- The sources for the life of Paulus Diaconus*: by G. CALLIGARIS [dealing with South Italian chronicles, foreign chronicles, and the epitaph].—Arch. stor. Lomb. 3rd ser. xxiii.
- The origin of the pseudo-Isidorian Decretals*: by H. M. GIETL [giving a survey of recent theories, in connexion with the work of G. Lurz, who maintains the generally accepted view that the forgery originated in the province of Rheims and not at Mainz or Le Mans].—Hist. Jahrb. xx. 2, 3.
- The Greek Acts of SS. David, Symeon, and George of Mitylene*, printed from a manuscript in the Laurentian library at Florence.—Anal. Bolland. xviii. 3.
- Four Genoese documents on the disputes between Genoa and Venice in the East [1222-1227]*: by G. BIGONI.—Arch. stor. Ital. 5th ser. xxiv. 3.
- On the authenticity of the life of St. Christina the Admirable attributed to Thomas of Cantimpré*: by H. NIMAL [who affirms it].—Rev. Quest. hist. lxvi. 2. Oct.
- An account of the literary remains of Carl Hopf with the Franco-Greek Regesta collection contained in them*: by E. GERLAND.—Byz. Zft. viii. 2, 3.
- Diary of a tour through France and Italy [1769-1770]* by colonel WINDHAM: printed by J. H. LLOYD, concluded.—Antiquary, N. S. 120. Dec.
- Papers and correspondence of prince Emmanuel of Salm-Salm during the French revolution*: printed by A. BRETTE. II: 1792.—Rev. hist. lxxi. 2. Nov.
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- The names and nature of the law*: by J. W. SALMOND.—Law Qu. Rev. 60. Oct.
- Discoveries in western Asia*: by C. R. CONDER.—Scott. Rev. 68. Oct.
- Monarchy in the Hellenistic age, more particularly at Pergemon*: by C. WACHSMUTH. Hist. Vierteljahrschr. ii. 3.
- Ebionism in the early church*: by V. ERMONI.—Rev. Quest. hist. lxvi. 2. Oct.
- The origin and early history of double monasteries*: by miss M. BATESON [who examines and rejects the derivation of the double monasteries of western Europe from an Irish origin. The cases cited and compared are prior to 1050, and are

- set forth to show the wide area over which this organisation prevailed].—Trans. R. Hist. Soc., N. S., xiii.
- The birthplace of St. Jerome* [in support of the location of Stridon between Glamoc and Grahovo in Bosnia.].—Anal. Bolland. xviii. 3.
- Boniface and the Vandal migration to Africa*: by L. SCHMIDT [who again rejects as unhistorical the story of Boniface's treachery, noting that Ranke held the same view, but overlooking his anticipation by Freeman in the Engl. Hist. Rev. ii. 417].—Hist. Vierteljahrschr. ii. 4.
- On papal elections*: by H. GRAUERT [who maintains, against F. Michael, that an election, according to the decree of Nicolas II, was uncanonical if accompanied by simony, violence, or fraud. Nicolas defined the body of electors and established the principle that in the case of a disputed election the final *iudicium* lay with the cardinal bishops. The theory and practice of elections are here examined from the fifth century to the Carolingian time; and the article concludes with a discussion of the contest touching simony in the eleventh century, and the positions of the various parties with respect to it.].—Hist. Jahrb. xx. 2, 3.
- War taxation in Carolingian times*: by R. KÖTZSCHKE [the 'Heerschilling' and 'Heermalder' of the Werden Register.].—Hist. Vierteljahrschr. ii. 2.
- The patriarch Photius as holy father of the orthodox catholic church*: by A. PAPADOPOULOS-KERAMEUS.—Byz. Zft. viii. 4.
- The early history of the office of 'Herrenmeister' (praeceptor generalis) of the knights of St. John*: by J. VON PFLUGK-HARTUNG.—Hist. Vierteljahrschr. ii. 2.
- St. Bernard*: by A. LUCHAIR.—Rev. hist. lxxi. 2. Nov.
- Money and luxury at the papal court of Avignon*: by E. MÜNTZ, continued.—Rev. Quest. hist. lxvi. 2. Oct.
- Politics at the council of Constance*: by J. N. FIGGIS.—Trans. R. Hist. Soc., N. S., xiii.
- Charles the Bold*: by H. J. Allen.—Scott. Rev. 68. Oct.
- List of Greek patriarchs [1453-1636]*: by A. PAPADOPOULOS-KERAMEUS.—Byz. Zft. viii. 2, 3.
- The contest for the Baltic in the sixteenth and seventeenth centuries*: by D. SCHÄFER.—Hist. Zft. lxxxiii. 3.
- St. Vincent de Paul* [mainly on recent lives by monseigneur Bougaud and the prince de Broglie.].—Edinb. Rev. 390. Oct.
- Gustavus Adolphus's supposed prayer on his landing on German soil [26 June 1630]*: by B. STÜBEL [giving the discrepant accounts.].—Mitth. Oesterreich. Gesch. xx. 3.
- Gustavus Adolphus and the Swedish 'Satisfaction'*: by W. STRUCK.—Hist. Vierteljahrschr. ii. 3, 4.
- The relations between Sweden and Russia [1648-1700]*: by G. FORSTEN, concluded.—Zhur. Min. Nar. Prosv. Sept.
- The diplomatic relations between Austria and the Porte [1658-1664]*: by A. HUBER.—Arch. Oesterreich. Gesch. lxxxv. 2.
- Studies on the pontificate of Clement XI*: by F. POMETTI, continued [to 1716].—Arch. R. Soc. Rom. xxii. 1, 2.
- The European powers in the judgment of Frederick the Great [1746-1757]*: by F. WAGNER. I: Russia. II: England and France. III: Austria.—Mitth. Oesterreich. Gesch. xx. 3.
- Pitt and the family compact* [chiefly from materials published abroad. The writer thinks that Pitt had information of the secret compact in August 1761 from the secretary to the English minister at Turin, Louis Dutens, and that Pitt communicated it after his resignation to Newcastle].—Quart. Rev. 380. Oct.
- Extracts from the correspondence of Paul, when grand-duke, with the royal family of Sardinia*.—Russk. Star. Oct.
- The French emigrant clergy during the period of the revolution*: by V. PIERRE [who gives a pleasing picture of their reception in Jersey and in England, in spite of occasional difficulties, for which he blames chiefly the government].—Rev. Quest. hist. lxvi. 2. Oct.
- Notes by count L. Benningsen on the war with Napoleon in 1807*.—Russk. Star. Sept., Oct.

On the history of the Polish question [1814-1815]: by A. FOURNIER, with documents.—Mitth. Oesterreich. Gesch. xx. 3.

France

- The date of the removal of the bodies of saints from Brittany*: by F. LOT [maintaining, with special reference to R. Merlet's article on the foundation of the monastery of St. Magloire at Paris, in *Bibl. École Chartes*, lvi. 3, 4, that the author of the *Translatio sancti Maglorii* was not a contemporary and has confused together in a single event two distinct emigrations of Breton and Norman clerks, the former about 920-5 with the relics of SS. Sampson, Padarn, &c., the latter about 960 with the relics of St. Magloire].—*Ann. de Bretagne*, xv. 1.
- The condition of lepers in Maine in the fifteenth and sixteenth centuries*: by L. FROGER.—*Rev. Quest. hist.* lxvi. 2. Oct.
- Minutes of the proceedings of the Chambre Ardente* [1-8 Oct. 1549]: printed by N. WEISS.—*Bull. Soc. Hist. Protest. Franç.* xlviii. 11. Nov.
- The reformed churches in Orleans and its vicinity* [1561-1685]: by L. BASTIDE.—*Bull. Soc. Hist. Protest. Franç.* xlviii. 11. Nov.
- A catholic secret society in France in the seventeenth century*: by F. RABBE [from the manuscript 'Annales de la Compagnie du saint Sacrement' by count Marc René de Voyer d'Argenson, 1631-1665].—*Rev. hist.* lxxi. 2. Nov.
- The duke de la Force, abbé de Caumont, and madame de Vivant* [1686-1699]: by P. FONBRUNE-BERBINAU.—*Bull. Soc. Hist. Protest. Franç.* xlviii. 10. Oct.
- St. Cyr*: by the comtesse DE COURSON [a sketch of the foundation of the house in 1686 and of its history down to the revolution].—*Dublin Rev.*, N.S., 32. Oct.
- Provincial administration in France during the last days of the old régime*: by P. ARDASHEV.—*Zhur. Min. Nar. Prosv.* Oct., Nov.
- Decrees of the tiers état in France in 1789*: by A. ONOU.—*Zhur. Min. Nar. Prosv.* Nov.
- The history of 'Ca Ira'*: by G. ISAMBERT.—*Révol. Fr.* xviii. 12. June.
- Republican and royalist opinion under the first republic*: by F. A. AULARD.—*Révol. Fr.* xviii. 12. June.
- The colonial representation in the constituent assembly*: by L. DESCHAMPS.—*Révol. Fr.* xviii. 2. Aug.
- The application of the civil constitution of the clergy in La Drôme*: by F. BABOIN.—*Révol. Fr.* xviii. 3, 4. Sept., Oct.
- Unpublished memorials of Sophie Grandchamp, a friend of madame Roland* [1791-1793]: by C. PERRAUD.—*Révol. Fr.* xviii. 1, 2. July, Aug.
- M. Edmond Biré and the revolutionary legends*: by H. CHEGUILLAUME [criticising especially the view of Languinais in the 'Journal d'un Bourgeois'].—*Révol. Fr.* xix. 3. Sept.
- Philippeaux as a journalist* [an account of the views of 'Le Défenseur de la vérité, ou l'Ami du genre humain,' a periodical which lasted from 2 Feb. 1792 to 30 Nov. 1793].—*Révol. Fr.* xix. 5. Nov.
- The Vendée*: by C. L. CHASSIN [a review of recent publications].—*Révol. Fr.* xix. 5. Nov.
- A false dauphin, Jean-Marie Herragault*: by G. LAURENT.—*Révol. Fr.* xviii. 2. Aug.
- The anagrams of Buonarroti*: by G. ISAMBERT [who explains some personal references in the 'Conspiration pour l'Égalité dite de Babœuf,' &c., published at Brussels in 1828].—*Révol. Fr.* xix. 5. Nov.

Germany and Austria-Hungary

- The 'Breviarium s. Lulli'*: by E. SCHROEDER [on its composition and date], with other notes on Hersfeld documents.—*Mitth. Oesterreich. Gesch.* xx. 3.
- The development of the early mediæval basilica in Germany*: by B. RIEHL.—*B.S. Akad. Wiss. München* (phil.-hist. Cl.) 1899, 3.
- The date of Otto the Great's burial at Magdeburg*: by K. ÜBLIRZ [who assigns it to the 3rd or 4th of June 973].—*Hist. Vierteljahrschr.* ii. 3.

- The privileges of the bishopric of Bamberg*: by the late H. WEBER.—Hist. Jahrb. xx. 2, 3.
- The coronation of Wratislav as king of Bohemia and the supposed synod of Mainz of the year 1086*: by H. SPANGENBERG [who holds that the diploma of Henry IV of 27 April 1086 was not passed at Mainz but at Ratisbon, and that the 1086 synod, attested only by Cosmas of Prague, is really the well-known synod of 1085].—Mith. Oesterreich. Gesch. xx. 3.
- On the sources of Hungarian history*: by R. F. KAINDL. VII: The affinities of the Chronicles and their redactions.—Arch. Oesterreich. Gesch. lxxxv. 2.
- The historians of the church of Passau [c. 1254-1553]*: by J. WIDEMANN.—Hist. Jahrb. xx. 2, 3.
- The Cistercian monastery of Saar in Moravia and its historians*: by F. VON KRONES. Arch. Oesterreich. Gesch. lxxxv. 1.
- Life of the venerable Lukardis, nun at Oberweimar*.—Anal. Bolland. xviii. 3.
- An account of the Swabian war* [apparently made use of by Heinrich Brennwald in his chronicle]: by A. BERNOULLI [who prints the record of the year 1499].—Anz. Schweiz. Gesch. 1899, 5.
- The Salzburg provincial synod of 1549; a contribution to the history of the protestant movement in Austria*: by J. LOSERTH, with documents.—Arch. Oesterreich. Gesch. lxxxv. 1.
- The correspondence of Caspar von Nidbruck and Georg Tanner* [illustrating the origin of the Magdeburg Centuries and the character of king Maximilian II: by V. BIBL.—Arch. Oesterreich. Gesch. lxxxv. 2.
- Biography of Wallenstein down to 1624* by the late F. STIEVE.—Hist. Vierteljahrschr. ii. 2.
- An episode in the contest concerning the Cleves succession*: by F. SCHROEDER, concluded. Hist. Jahrb. xx. 2, 3.
- Memoir of the grand-duke Francis Stephen of Lorraine-Tuscany* [afterwards emperor Francis I] on the pacification and protection of the empire [1742]: printed by J. SCHWERDFEGER.—Arch. Oesterreich. Gesch. lxxxv. 2.

Great Britain and Ireland

- Early English hebraists; Roger Bacon and his predecessors*: by S. A. HIRSCH [who examines the claims of Bede, Alcuin, and others, to be reckoned as Hebrew scholars; commemorates one Andrew in the twelfth century, who certainly knew Hebrew; and discusses the extent of Roger Bacon's learning].—Jew. Qu. Rev. Oct.
- Wulfstan and Cnut*: by F. LIEBERMANN [dealing with the mutual relations of the homilies and the laws, and deciding the former to be the earlier. Cnut's code the writer dates between 1027 or 1029 and 1034].—Arch. Stud. der neueren Sprachen, ciii. 1, 2.
- The canons of the synod of Westminster [1175] and their sources*: by E. SECKEL. [The sources are Gratian, decrees of Alexander III, and perhaps the canons of the London synod of 1127; but nearly every canon has been tampered with. Priests are forbidden to be sheriffs, to take part in (guild) potations, and to use tin chalices; if they perform marriages privately they are to be suspended for three years. These canons found their way into canonical collections, such as the 'Cantabrigiensis,' and even into the official canon law].—Deutsche Zft. Kirchenrecht, ix. 1.
- Admiralty droits and salvage*: by R. G. MARSDEN [who traces how the right to treasure found in the sea passed in course of time from the finder to the crown. First the finder had the whole benefit; then it was divided between him and the warden or admiral of the Cinque Ports, whose court apparently developed into the court of admiralty; finally the entire droits, after payment for salvage, were adjudged to the crown].—Law Qu. Rev. 60. Oct.
- The fall of cardinal Wolsey*: by J. GAIRDNER [who relates the course of events down to the rejection of the bill of attainder against Wolsey by the house of commons, and adds some remarks on the importance of that house under the Tudors. Miti-

- gating circumstances are found in connexion with More's action relative to the bill].—Trans. R. Hist. Soc., N.S., xiii.
- The royal library*: by J. M. STONE [giving an account of the growth of the collection].—Scott. Rev. 68. Oct.
- The relations of the crown to trade under James I*: by miss F. H. DURHAM.—Trans. R. Hist. Soc., N.S., xiii.
- The constitutions of the four companies of Kingston-upon-Thames [1635]*: by W. E. ST. L. FINNY.—Genealog. Mag. 32. Dec.
- The raising of the Ironsides [1643-1645]*: by C. H. FIRTH [who gives particulars of the formation of the regiment, its officers, arms and equipment, horses, pay and maintenance, medical and religious organisation, and discipline; with some remarks on the forged Squire papers, and an appendix of documents].—Trans. R. Hist. Soc., N.S., xiii.
- Studies of the 'Forty-five'* [the narrative told with reference to materials recently made available].—Quart. Rev. 380. Oct.
- Pitt and Peel [1783-4, 1834-5]*: by F. H. HILL [who examines the constitutional parallel].—Trans. R. Hist. Soc., N.S., xiii.
- On Scottish serjeanties*: by G. NEILSON.—Law Qu. Rev. 60. Oct.
- Scottish Benedictine houses*: by M. BARRETT.—Dublin Rev., N.S., 32. Oct.
- The Wedderburn book*: by A. H. MILLAR.—Scott. Rev. 68. Oct.
- Fermartine* [on W. Temple's book on the history of the district].—Scott. Rev. 68. Oct.

Italy

- The victory over the Saracens on the Garigliano in 915*: by P. FEDELE.—Arch. R. Soc. Rom. xxii. 1, 2.
- Cartulary of SS. Cosma e Damiano in Mica Aurea [1003-1060]*: by P. FEDELE, continued.—Arch. R. Soc. Rom. xxii. 1, 2.
- Documents of S. Silvestro de Capite*: by V. FEDERICI, continued.—Arch. R. Soc. Rom. xxii. 1, 2.
- The Italian version of the History of Hugo Falcandus by Filotes Omodei [1556]*: by G. B. STRAGUSA.—Arch. stor. Sicil., N. S., xxiii. 3, 4.
- The rural counts of the province of Brescia* [and the absorption of their territories by the town]: by F. L. FÈ D' OSTIANI. [The theory of a common origin for the several families is rejected].—Arch. stor. Lomb. 3rd ser. xxiii.
- The ballot and other forms of voting in the Italian communes*: by A. M. WOLFSON.—Amer. Hist. Rev. v. 1.
- Civic discord at Nicosia in the fourteenth century*: by M. LA VIA [with documents].—Arch. stor. Sicil., N.S., xxiii. 3, 4.
- A German schoolmaster in the march of Ancona in 1398*: by L. COLINI-BALDESCHI.—Hist. Vierteljahrschr. ii. 4.
- Cosimo de' Medici*: by F. C. PELLEGRINI [in connexion with the life by miss Ewart (Mrs. H. M. Vernon). The writer supplies much new and important matter on the early Medicean period.].—Arch. stor. Ital. 5th ser. xxiv. 3.
- The life and writings of Gaudenzio Merula*: by A. BUTTI.—Arch. stor. Lomb. 3rd ser. xxiii.
- Notes illustrative of the history of Sicily* [literary and antiquarian, of the sixteenth century]: by S. SALOMONE-MARINO, continued.—Arch. stor. Sicil., N.S., xxiii. 3, 4.
- Notes from the archives of Oneglia and Porto Maurizio*: by G. MANACORDA [some relating to defence against Barbary corsairs].—Arch. stor. Ital. 5th ser. xxiv. 3.
- Francesco Campana*: by F. DINI, continued.—Arch. stor. Ital. 5th ser. xxiv. 3.
- On the supposed abolition of the civic militia in Sicily by Charles III*: by L. SICILIANO VILLANUEVA [who traces the assertion to Testa's note to the 'Capitula Regni Siciliae,' 1743, and shows it to be without foundation].—Arch. stor. Sicil., N.S., xxiii. 3, 4.
- A Neapolitan diary [1798-1825]*. I: Nov. 1798-Jan. 1806. First part: to June 1799.—Suppl. to Arch. stor. Napol. xxiv. 2.
- The reaction of 1799*, from the unpublished memoirs of Giuseppe de Lorenzo, a

- national guard of the Neapolitan republic : printed by B. CROCE.—Arch. stor. Napol. xxiv. 2.
- The year 1799 in the Basilicata* : by G. FORTUNATO [with documents].—Arch. stor. Napol. xxiv. 2.
- The siege of Coni in 1799* : by G. ROBERTI.—Révol. Fr. xviii. 12. June.
- New Byzantine churches in the district of Syracuse* : by P. ORSI [with 12 illustrations]. Byz. Zft. viii. 4.

Russia

- The Poles in Russia in 1606-8* : by V. ТИМОТШУК.—Russk. Star. Nov.
- The patriarch Nikon* : by A. M. LOVIAGEN [from an unpublished Dutch manuscript of the seventeenth century].—Istorich. Viestn. Sept.
- Correspondence of a Bavarian in Russia during the reign of the emperor Paul* [translated from the manuscript].—Russk. Star. Sept., Oct.
- Notes on the reign of Alexander I* : by P. DIVOV [written for the emperor's own perusal].—Russk. Star. Oct.
- Extracts from the secret correspondence of Barclay de Tolly in 1812*.—Russk. Star. Sept.
- The Cossacks at Vitebsk, July 15, 1812* : by V. SHAKHOVSEI [incidents of the war with Napoleon].—Istorich. Viestn. Nov.
- The emperor Nicolas I in the years 1848-9* : by N. SHILDER.—Istorich. Viestn. Oct.
- Recollections of the siege of Sebastopol* : by S. RENCARPOULO.—Istorich. Viestn. Oct.
- The condition of Poland in 1861-2* [as reported by general Lüders just before the outbreak of the last insurrection].

Switzerland

- The attitude of the city of Basel during the 'Gruber'sche Fehde' [1411-1420]* : by T. VON LIEBENAU.—Anz. Schweiz. Gesch. 1899, 5.
- A Zürich list of casualties at the battle of Kappel [1531]* : printed by A. BERNOULLI.—Anz. Schweiz. Gesch. 1899, 4.
- Documents on the history of the reformation in the Three Leagues [1531]* : by F. VON JECKLIN.—Anz. Schweiz. Gesch. 1899, 5.
- Supplement to Campell's 'Historia Raetica'* : by T. SCHIESS [who gives new passages and corrections from a recently discovered fragment of the autograph original].—Anz. Schweiz. Gesch. 1899, 4.
- Aloys Reding's scheme for the reform of the Swiss military system [1797]*.—Anz. Schweiz. Gesch. 1899, 5.

America and Colonies

- Slavery in the state of North Carolina* : by J. S. BASSETT.—Johns Hopkins Univ. Studies, xvii. 7, 8.
- Congressional grants in aid of railways* : by J. B. SANBORN [an exhaustive monograph on a subject hitherto 'practically neglected by historians'].—Bulletin Univ. Wisconsin ; Economics, Political Science, and History, series, ii. 3.
- Maryland's adoption of the federal constitution* : by B. C. STEINER.—Amer. Hist. Rev. v. 1.
- The unit rule in national nominating conventions* : by C. BECKER [tracing the adoption of the rule that the majority of the delegates of each state cast the full vote of that state].—Amer. Hist. Rev. v. 1.

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THE ENGLISH HISTORICAL REVIEW

NO. LVIII.—APRIL 1900

*The Scottish Parliament before the Union of the Crowns*¹

IN Sterling, the king being convoyit to the parliament hous, and set at the burde, be fortune he espyit a hole in the burde-cloth ; so that, as young childer are always unconstant and restles, he preissit to attene to the hole with his finger, and askit of a lord wha sat nar by him to know what hous that was ; and he answerit that it was the parliament hous. 'Then,' said the king, 'this parliament hes a hole into it.' Whether God inspyrit the babe then with prophecie at that tyme or not, I will not dispute.²

The chronicler wrote of the year 1571. But there are on record few meetings of the Scottish parliament at which the 'prophecie' might not with propriety have been made. 'This parliament' throughout nearly all its history 'hes a hole into it.' The ruler of Scotland might be the king; the supreme power might be in the hands of this or that noble or of this or that combination of nobles; or it might belong to the General Assembly of the church: but rarely indeed was the country governed or guided by the Estates.

The people of Scotland have ever had a wholesome horror of works of supererogation. The parliament did not meet to rule the country, but it did meet nevertheless, and those who summoned it had a definite purpose in view. What that purpose was may be best understood if we take, as an illustration, one small section of

¹ The essay of which the first part is here published was adjudged the Stanhope prize in the university of Oxford in 1899.

² *Historie of King James the Sext*, p. 88 (Bannatyne Club ed.)

Scottish history and note the action of the parliaments that met during these years. The reign of Queen Mary nominally lasted from 1542 to 1567. Her actual period of rule commenced with her arrival in Scotland in the summer of 1561, and ended six years later. During these six years, four parliaments were summoned. The first of these met in June 1563. While it transacted some details of business, the main purpose of its meeting was the forfeiture of the earl of Huntly. But the forfeiture of Huntly was already an accomplished fact, and it gained nothing in reality from the ghastly scene when sentence was pronounced upon the half-embalmed corpse of the rebel lord. A year later, parliament again met, and annulled the sentence of forfeiture which had been pronounced, in 1544, upon the earl of Lennox. A contemporary inserted in his diary the innocent remark: 'In this parliament, thair was nathing done, except the reductionn of the said proces of forfaitoure.'³ But the earl of Lennox had already been some months in Scotland. In the spring of 1566, a parliament was summoned which never met. It was called together to pass sentence of forfeiture upon the earl of Murray and his accomplices in the 'Run-about-Raid,' and the murder of Rizzio prevented its assembling. But the insurgent lords had been exiles for nearly a year. Finally, in April 1567, parliament made certain ratifications of lands—mainly to nobles against whom sentences had been passed by the secret council for their share in the Run-about-Raid and in the Rizzio murder. But all these lords had returned and had for some time been in quiet possession of their estates. The explanation of all these forfeitures and reductions of forfeitures belongs to political history. The student of the constitution will note that the parliament had no voice in the matter. The Estates were convoked because their sanction gave an unquestionable legality to what had already been done by the executive power, whatever that might be. Their function was that of the official who places the necessary stamp upon an agreement. If the official were to decline to stamp the paper, questions about its lawfulness might arise. But it was just as certain that the three Estates would sanction the forfeiture of Huntly or the return of Lennox as it is to-day that an agreement may be stamped and so made to hold in law.

This is not the view that has appealed to Scottish historians. The late Mr. Hill Burton maintained a position almost the reverse of the thesis we have proposed. But, with all deference to that distinguished scholar, one may be allowed to argue that he wrote with all the prejudices of a whig of the middle of the nineteenth century. Constitutional progress was, for him, as for other writers on this subject, the only justification of a nation's existence.

³ *Diurnal of Occurrents in Scotland*, p. 76 (Bannatyne Club).

It did not seem possible that a people could advance worthily, except as England had advanced. This predisposition to find in Scotland an analogy to English parliamentary institutions was encouraged by the occurrence of many words and phrases in the rolls of the Scottish parliament which seem to the English student quite decisive in favour of a 'constitutional' point of view. But the history of institutions cannot be written from their own records. If we possessed, as material for the constitutional history of Scotland, only the 'Acts' of the Scottish parliament, our conclusions would be more radically false than if there remained to us only the narratives of the chroniclers and the more strictly political documents. The 'Acts' are written in cipher and we have to find the key. An important part, for example, of the records of the revolutions of 1560 and 1640 is to be found in the volumes which contain the parliamentary proceedings; but, as we shall have occasion to notice, the explanation lies elsewhere. It is a further illustration of our contention, that so few contemporary writers were sufficiently impressed by the parliament to give any space to the story of its growth. No man knew the powers of his time better than did John Knox; and in Knox's 'History of the Reformation in Scotland' there are very few references to the Scottish parliament, and only one of these is more than incidental. In this respect, Knox is a fair specimen of early historians. The only exception is George Buchanan, who tells of many meetings of 'the Estates, who possess the supreme power in everything.'⁴ Buchanan's historical reputation is not sufficiently high to lend much importance to his unattested word; and the emphasis which he lays upon the action of parliament is so unusual that it has led to Father Innes's conjecture that he wrote his 'History' in the interests of a republican theory of government.⁵ Although Innes had all the prejudices of a Jacobite who lived before Culloden, his scholarship was undoubted, and his accusation is striking testimony to the small place held by parliament in the pages of Buchanan's predecessors and contemporaries.

An obvious parallel may be drawn between the Scottish parliament, as we have described it, and the English parliament under the Houses of York and Tudor. Historians of English constitutional history have frequently pointed out that these sovereigns were, by their use of parliament, establishing, not their own power, but that of the institution which they regarded as a

⁴ Aikman, *Buchanan*, i. 437. Buchanan is the source of the whole constitutional myth. The second founder of the legend was George Ridpath, who published, anonymously, in 1703, *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland*. This brilliant and ingenious political tract is based on Buchanan, who is always the real, and frequently the avowed, authority for Ridpath's view; and by Ridpath, in turn, many more recent writers have been influenced.

⁵ Innes, *Critical Essay*, i. 361-95.

passive instrument in their hands ; that Edward IV and Henry VIII were preparing difficulties for James I and Charles I. The force of this argument, as applied to Scotland, is greatly lessened by the fact that the rulers of Scotland did not regard as essential the consent even of a subservient body of Estates. Parliamentary ratification was, at best, a convenient method of declaring and recording what had been done. But it was no obstacle to an act of the executive that it had not been thus sanctioned. This want of the continuous and normal employment of parliamentary procedure combined with political causes to prevent the appearance of the effect produced in England.

The view that we have stated can, of course, be pressed too far. The mere existence of parliamentary institutions, whatever be their condition at any given time, is in itself a menace to any government not founded on the will of the people. They represent what physicists call 'potential energy.' It is, moreover, impossible for such institutions not to affect, in some way, the life of the people, and to influence the civilisation of the country. There were various times when the Scottish parliament gave an earnest of what power lay underneath its acquiescence. There were occasions when the rise of a constitutional opposition was even probable ; and there are places of which we can definitely say that here or there occurred an event in constitutional progress. But an investigation in the light of political history will, we think, go to establish the general truth of the theory we have adopted. It might be objected, *a priori*, that such a theory does not afford sufficient reason for the continuous existence of the Estates. But in the troubled story of medieval Scotland we find, readily enough, the explanation at once of the continuous existence of parliament and of the place that it occupied. It was a strictly feudal society, but it lacked the redeeming features of feudal government. Feudalism as a system of land tenure was complete, and it still remains the basis of Scots law. As a system of government founded upon land tenure, Scottish feudalism was, from one point of view, equally efficient, while, in another aspect, it could scarcely be said to exist. The Scottish baron was also the Scottish chief, and to the power of the oath of allegiance was added the mighty influence of clan loyalty. But outside this feudal hierarchy stood the king. Every landowner in Scotland held from him, and none regarded him as deserving of more than tolerance. The royal domains were not large enough to enable the Crown to cope with the resources of the greater nobles. The king's best policy was to ally himself with one faction to destroy another, as James II overthrew the great house of Douglas. We cannot speak of any definite coalescence of the nobles against the king. The jealousy of noble house to noble house was always greater than their common dislike of the Crown. So far were they from being

able to unite, that a small and insignificant family like the Crichtons or the Livingstones were now and again able to place themselves at the head of affairs.

The frequent occurrence of royal minorities was at once a cause and a consequence of this condition of matters. The reigns of the first five kings of the name of James cover, nominally, a period of one hundred and thirty-six years. For fifty-seven years during that time the sovereign was a minor. Two out of the five met their death at the hands of rebellious subjects. One of them—James III—can scarcely be said to have ruled at all. The weakness of the Crown is the formula of the explanation of which we are in search. That weakness was a consequence, largely, of the action of Edward I of England. The Bruce was occupied with guarding against the enemy, and could not offend the nobles whose desertion would have been fatal to the cause of Scotland. The war of independence was the source of the bitter hatred which separated Scotland from England from the fourteenth century to the seventeenth, and disputes with England were directly responsible for the premature death of the second, the fourth, and the fifth James, and for the exile of James I—that is to say, for four out of the six minorities between 1406 and 1560.

It is obvious that, in such circumstances, each of the ever-changing factions who strove for political importance had an object in availing themselves of the advantage of parliamentary and legal sanction. The delegation of work to committees made it certain that the party in power could absolutely rely on having its own way, and the form of law was desirable as legalising their present action, and as forming some kind of defence, should misfortune overtake them. Similarly the king, when he chanced to be powerful, found in his parliament a most useful instrument for carrying out his wishes. It was, for ruling faction and for powerful king alike, the best method of registering and declaring the will or the policy of the rulers of Scotland for the time being. A parliament, and just this kind of parliament, was always wanted by the government.

An alliance between the Crown, the Church, and the burgesses was, in the circumstances, out of the question. It was rendered so, in the first place, by the constant recurrence of minorities. Any such alliance was impossible between 1437 and 1450; between 1460 and 1488; between 1513 and 1530. Moreover, the bishoprics were often private appanages of noble families,⁶ and the burgesses were not desirous, so far as we can judge, of taking any part in political life. At times, the burgh records are full of instructions to the commissioners sent to parliament. These refer invariably to administrative detail, never to great political questions.

⁶ For a typical instance of this cf. Boece, *Lives of the Bishops of Aberdeen* (New Spalding Club ed.), pp. 112-13.

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Moreover, the Scottish parliament was, in another capacity, an instrument most valuable for the peace of the country. It was a court of justice, and, as we shall see, the existing judicature of Scotland is directly traceable to a committee of the Estates. It was also the source of administrative order. Amid all the struggles of contending factions in the interests of which the Estates were summoned, there were always a few—bishops, or permanent officials, or burgesses—who desired to see some acts passed for the peace of the country. The kings, too, were never neglectful of this aspect of the work of parliament. The great lords had no motive for opposing; it was always sufficiently easy to ignore; and, in point of fact, an overwhelming proportion of the many administrative pronouncements of the Estates dealt with details of burghal life, and largely with seaport commerce. When the Crown was powerful, acts were passed against the misgovernment of the great lords, but we know that they were almost invariably futile, although they offered, at times, a strong offensive weapon against a noble house which was, for the moment, in the minority. In this way they were used alike by king against noble and by clique against clique. In all that we have to say of the subservience of the Estates, this great work of administrative order must not be forgotten; nor is the student of municipal history likely to forget it. Parliament, too, was, if not the originator, the instrument of taxation, although its importance in this respect was lessened by the fact that the hereditary revenues were secured without the possibility of interference, and it was not till the close of its history that the Scottish Estates used the English rallying cry of redress before supply.⁷

In treating of the subject we propose first to discuss the origin of the Scottish parliament, its membership, and its methods of transacting business, for on these, in the first place, the power of any assembly must depend. Afterwards the question may properly be asked: What value can we ascribe to the parliament as an element in the life of the nation?

I. *Origin, Membership, and Method.*

1. The two most important dividing lines in Scottish history between the tenth century and the sixteenth are the reign of David I (1124–1153) and the war of independence, which forms a distinct period not less in constitutional than in political history. Before the reign of David I, the Scottish kings had a council of seven mormaers or earls; but it is difficult to assign to these any definite status or power, and it is notable that in the earlier

⁷ Cf. the account of the royal revenues sent by Pedro de Ayala to Ferdinand and Isabella (1498), *Spanish Calendar*, i. 210.

charters (*e.g.* a charter granted to the citizens of Aberdeen in 1062), the king appears as the sole grantor, and ratifies the gift by the words '*teste me ipso.*' Such charters extend down to the middle of the following century; but they become less and less numerous, and finally give place altogether to documents attested by bishops, earls and barons, and others. The change is to be attributed to the work of David I. David's Saxon mother, St. Margaret, had made many changes in her husband's kingdom, and, by bringing Scotland into line with other European nations in ecclesiastical matters, had prepared the way for her son, who was to place his people under the sway of the great feudal impulse which was transforming the nations of Europe. Under David, the new influences were Norman rather than Saxon. Norman adventurers like those who had made for themselves kingdoms in England, in Italy, and in the Holy Land, came to the Scottish court, and received grants of land in the south and east of Scotland. In this connexion, we find, first of all, names which were to be the most illustrious in the annals of the country. To David I the Bruces owed their lands of Annandale, and the Fitzalans, who were to become the royal house of Stewart, received from him their earliest possessions in their future kingdom. By such grants of land Scotland was transformed from a tribal into a feudal country, and there arose a royal council formed on the normal feudal theory. The '*sair sanct for the crown*' completed his work by adding five to the four already existing bishoprics, and by founding the great abbeys which were to gain for him the honour of canonisation. Thus bishop and abbot and prior could come with earl and baron to take counsel for the weal of the land. Free towns arose and became prosperous; but two centuries had to elapse ere the burgesses found a place among the advisers of the king.

Many of the charters after the time of David I describe, in somewhat vague terms, those who gave their consent and attestation; and their descriptions have been interpreted so as to afford ground for a theory of popular representation in the great council which developed into the Scottish parliament. Gilbert Stuart convinced himself that he had proved that Scotland possessed a full parliament long before the English burgesses found a place at Westminster.⁸ Even the more cautious Hill Burton considered that 'these curious intimations stand by themselves, an acknowledgment—sincere or not—of the admission of popular influence in the actions of the government.'⁹ The claim to have anticipated the mother of parliaments rests, however, upon a misconstruction. The phrases on which it is founded are of three kinds. Some of them are vague words used by chroniclers, into which an exact

⁸ Gilbert Stuart, *Of the Public Law and Constitution of Scotland*, note xxviii.

⁹ Hill Burton, *History of Scotland*, ii. 82.

constitutional meaning has been read. Others are the common-places of diplomatic, used without any appreciation of their strict signification.¹⁰ The rest depend upon a misreading of the texts from which they are taken. The most important term which comes under the last-mentioned head is one on which Stuart laid special emphasis. The phrases 'all gude men of the kynrik' and 'all the community of the kynrik' are frequently found in the assizes.¹¹ The king statutes 'be the counsel of the communitie.' But there is an assize of William the Lion, which is quite definite as to the meaning of the word. It was made at Perth, on St. Augustine's day 1184, and it bound 'byschoppis, abbotis, erlis, baronis, and thanys, and all the communyte of the kynrik . . . for to seyke and to get all misdoaris.'¹² The penalty for disobedience was the loss of a manorial court. 'Gif ony of thaim be attayntit of brekand this assyse, he sall tyne his court for evirmar.' The whole 'community' were lords of manors. The king, the prelates, and the barons, great and small, were 'the community of the kingdom.'

The burgesses had, indeed, a method of communicating with the king. Fordun tells us that in 1211 'King William held a great council at Stirling, when there were present his optimates,

¹⁰ The evidence upon which the theory of popular representation is based is as vague as the theory itself. Eadmer (*Hist. Nov.* p. 97, Lond. 1623; cf. also p. 134) tells us of an election, in 1107, of a bishop of St. Andrews 'by Alexander, king of Scotland, the clergy, and the people.' The book of Scone (*Liber de Scon.* p. 1) describes the re foundation of the abbey in 1114-15 by King Alexander. It is confirmed by his wife and nephew, several bishops, and a number of nobles, 'consilio proborum hominum.' Ten years later, at the foundation of the abbey of Dunfermline (*Registrum de Dunfermelyn*, p. 3; cf. also the Charters of Holyrood), we find a phrase employed to which some importance has been attached. Bishops and nobles confirm as usual, but with the acquiescence of the people and clergy. The form 'clero etiam acquiescente et populo' is of frequent occurrence. The phrase 'all the community of the kingryk' has been treated in the text. The similar phrases 'probi homines' and 'clero acquiescente et populo' are simply common technical terms belonging to the Chancery imitated by the Scottish scribe. The latter does not even imply consultation, and the former means the smaller tenants-in-chief. In the *Laws of the Burghs* we find it used for the leading men—the *optimates*—of the town. It is not a popular term at all. On the other hand, too, we have councils described in quite different terms. In 1174 William the Lion held a council at Stirling, and asked an aid from his 'optimates' (Fordun, viii. 73). In 1190 the 'prelati et proceres' of Scotland gave the king 10,000 marks (Fordun, viii. 62). On the death of Alexander III the guardians describe themselves as 'de communi consilio constituti' (*Hist. Doc. relating to Scotland*, i. 95), while Rishanger tells how 'omnes Scoti' chose Wallace. The change in the political circumstances is sufficient to account for whatever importance may be attached to the words. It is true that Fordun, speaking of the same period, frequently uses the word Estates ('communitates'). But Fordun was not a contemporary, and the word had acquired a technical meaning by his time. Moreover, he uses the word very loosely. Sometimes he intends by it the land itself, as when he tells us how the English ravaged it.

¹¹ *Acts of the Parliament of Scotland*, i. 371, &c.

¹² *Ibid.* i. 377. The use of the word 'community' appealed more strongly than anything else to the older historians.

who gave him ten thousand marks, besides six thousand marks promised by the burgesses.' It was with this quotation that Stuart clinched his argument. But the chronicler's words do not imply that the grants were made at the same meeting. We know, too, that each town sometimes treated separately with the king; and that for centuries before they were represented in the Great Councils the burgesses met in purely burghal assemblies. The 'four burghs' of the South,¹³ of which Edinburgh was the head, and the 'Hanse burghs' of the North, which grouped themselves round Aberdeen, held their own conventions, legislated for themselves, and dealt directly with the king.¹⁴ There was no necessity for their representation in the council. Beyond statements of chroniclers about the whole people's choosing a king¹⁵ and so forth, we have absolutely no evidence that the Great Council, before the war of independence, was anything more than a strictly feudal assembly, attended by such tenants-in-chief as chose to be present.

2. We pass now to consider the membership of the Scottish parliament after the war of independence. The first instance of the use of the word 'parliamentum' is in connexion with the treaty of Brigham, made in 1289 between Edward I of England and the Scots; but the terminology is obviously due to English influence, and there is no evidence whatsoever of any popular representation. It is not till the year 1326, that we find a complete parliament, containing lords and commons, and this must be kept in mind while we proceed to the consideration of the normal form of the 'Estates of Scotland.'

In the first place, we have the clergy. Bishops, abbots, and priors possessed, as tenants-in-chief, the same right of attendance in councils as secular freeholders had, and they could more easily make use of their opportunities. At the Reformation, the bishops who became protestants, the lay commendators, and the 'tulchan bishops' seem to have kept their seats. But acts between 1560 and 1597 speak of the 'decay of the ecclesiastical estate,' and we know from the lists of Lords of the Articles, that the clergy almost ceased to be an essential portion of the Scottish parliament. Presbyterianism neither desired nor claimed any such right. Its aim, as we shall see, was higher. We do, indeed, find that in 1567 parliament

thocht expedient . . . that thair be adjoynit unto thame in treating of the thingis concerning the kirkis, thir personis underwritten, to wit,

¹³ Cf. *Ancient Laws of the Burghs of Scotland* (Burgh Record Soc.).

¹⁴ So important was their meeting that when Edward I of England held a parliament at Newcastle in 1292, and some question arose regarding their privileges, the four burghs were consulted, and the decision was made in conformity with their laws and customs (*Rot. Parl.* i. 107).

¹⁵ Fordun, viii. 1.

Maister John Spottiswood, Maister Johne Craig, Johne Knox, Maister Johne Row, and Maister David Lindesay or any three or foure of thame.'

This, of course, was a special arrangement to meet a particular contingency. But in 1597 James VI, acting on his principle of 'No bishop, no king,' found himself strong enough to enact that

sik pasturis and ministeris . . . as at ony tyme his maiestie sall pleis to provyid to the office, place, title, and dignitie of ane bischoip, abbott, or other prelat sall at all tyme heirafter haif voitt in parliament.

Next year, the ranks of 'sik pasturis and ministeris' produced three bishops and five abbots, and thenceforward they increase in numbers, being reinforced by the act of 1606 which established episcopacy. The parliament of 1640, acting on the claim of the general assembly of the church, that 'the civill power and place of kirkmen' was 'predjudiciall to hir Liberties, and incompatible with hir spirituall nature,' ordained 'all parliaments to consist of noblemen, barronis, and burgesses,' and of these alone. At the Restoration, bishops again formed one of the Estates; but they appear for the last time on the rolls of parliament in 1689.

The place of the greater lords in the Scottish parliament has long been understood. The brilliant pen of Professor Innes and the accurate investigations of Mr. Robertson have, in this respect, added little to the statement of the case made by George Wallace more than a century ago.¹⁶ The earl or the duke had just the same right to sit in parliament as the smaller freeholder. His title gave him only rank, not power. It did not even necessarily entail jurisdiction, for we have instances of earldoms being raised to the position of regalities.¹⁷ The king in creating an earldom did not directly confer the title upon the new possessor. He created the lands into an earldom. When the lands were sold the title fell to the purchaser. Territorial honours could descend to a female—although no female might sit in the king's council—and could be borne by the husband of the female possessor. In criminal trials, lairds were the peers of earls. Had the act of 1427 been carried out, it would have led to an assimilation to the English system of peerage. The actual change is to be attributed to the act of 1587. Really, as we shall see, this act was a guarantee that the freeholders should have some influence in parliament; theoretically, it involved the abolition of their right to sit in person, and so converted that right, as it remained to the greater barons, into the essentials of a peerage. Personal honours were certainly known in Scotland before 1587;¹⁸ but they were not peerages in the English

¹⁶ *Thoughts on the Origin of Feudal Tenures and the Descent of Ancient Peerages in Scotland*, by George Wallace, 1783.

¹⁷ *E.g.* Wigtown in 1342, and Sutherland in 1347.

¹⁸ Wallace, *op. cit.* p. 163.

sense. The bearers of these purely personal titles—the earliest of which belong to the fifteenth century—sat in parliament in virtue of other claims. But, after the act of 1587, all honours became personal, and the rules of descent were altered.¹⁹ In 1689, the Scottish nobles obtained a strictly legal recognition of their rights as possessors of peerages.

The right of the smaller barons as tenants-in-chief of the king to attend councils had never been denied; but there was little to induce them to take advantage of their opportunities. Travelling was expensive and dangerous, and unpleasant incidents were not unlikely to occur in their absence. Their power in parliament was small. Most of them felt that they were sufficiently represented by the great lord to whose person and interest they had attached themselves. We frequently find them appearing by procurators. When king James I returned from his long imprisonment in England he adopted the policy of using the smaller barons against the too powerful nobles. He had been captured by Henry IV, and educated amid the influences of Lancastrian constitutionalism. His aim in Scotland was to introduce a 'new monarchy,' and he determined to make the existence of parliament the main weapon in the encounter with his rebellious lords. Accordingly, in the year 1425 we find that all prelates, earls, barons, and freeholders, 'since they are holden to give their presence in the king's parliament and general council,' are enjoined to appear in person 'and not by a procuratour, but if that procuratour allege and prove lawful cause of his absence.' The result perhaps surprised the king. There were many 'lawful causes.' We have no record of the form they took; nor do we need any record, for the political history of the period is clear enough. All that the rolls of parliament can tell us is that the experiment was unsuccessful, for two years later James adopted a much bolder plan, and introduced a serious modification of the constitution:

Item, the king, with consent of his whole council general, has statute and ordained that the small barons and free tenandry need not to come to parliament nor general councils, so that of every shiredome there be sent chosen at the head court of the shiredome, two or more wise men after the largeness of the shiredome, except the shiredoms of Clackmannan and Kinross, of the which one be sent of ilk ane of them, the which shall be called commissioners of the shire.

It was not, of course, the English system of representation. The English voter had no right to be present in parliament. His representative did more than merely save him the trouble of attendance. King James did not propose to extend the franchise as it had been extended in England. His proposal was much more

¹⁹ Wallace, *op. cit.* p. 192, &c.

conservative. But it was never operative, and in a few years it was completely forgotten. The smaller barons continued to be regarded as bound to give attendance in parliament, and occasionally some of them were punished for absence.

There is here no indication of the rise of a constitutional spirit. It was a method of private revenge, and measures were passed to relieve the smaller barons. In 1457 parliament declared that 'all freeholders under twenty pounds' were exempted. The limit was raised in 1503 to 'a hundred marks of this extent [*i.e.* assessment] that now is.' All whose holdings were under that amount might send procurators, unless they were specially summoned by the king's own writ. The procurators were to attend 'with the barons of the shire or the most famous persons.' The phraseology suggests that the 'procurators' might be merely retainers of the greater lords. All 'above the extent of a hundred marks' were bound to attend 'under the pain of the old unlaw.' These acts are generally regarded as freeing the lesser barons from the burden of attending parliament. From all that is known, alike of the political and of the constitutional condition of the country, it seems much more likely that the real burden from which it freed them was that of 'the old unlaw.' The distinction is not without a difference. It was a protection from the occasional arbitrary employment of a partially obsolete penalty. The result was the entire absence of the smaller barons from the meetings of parliament. In 1560, when a great question fell to be decided, and the leaders of the revolutionary party desired the presence of the freeholders, the old right was so far doubtful that a petition was laid before the Estates in which the smaller barons claimed—adopting unwonted language—that 'statutes which they had not been required and suffered to reason and to vote at making, should not bind them.'²⁰ The proceedings of the parliament of that year were not confirmed, and our knowledge of them is incomplete. But we learn from a letter written by Randolph, the English ambassador, to Cecil, that among the acts passed on the first day of meeting was this: 'That the Barons, according to ane old Act of Parliament, made in James's tyme the first, the year of God 1427, shall have free voice in Parliament. This Acte passed without aine contradiction as well of the Bishopes, Papysts, as all other present.'²¹ Randolph has not merely recorded the fact: he has given us the key to the situation. It would not have surprised him if the 'Papysts' had objected to the proposal. The smaller barons were

²⁰ Robertson, *Hist. of Scotland*, App. iv. The claim is not based upon any constitutional right or theory. It is stated as a matter founded on common sense, and the efficacy of the petition lay in the support of those who had special reasons for desiring the presence of the smaller barons. The language of Randolph's letter shows how far the strictly legal position was from being understood.

²¹ *Foreign Calendar*, 19 Aug. 1560; Laing, *Knox*, vi. 116.

notoriously attached to the reforming party, and the reassertion of their right was a precaution taken to secure an overwhelming preponderance for the new movement. In 1567, parliament was again divided. There was a 'queen's party' and a 'king's party,' It is not improbable that the experience of 1560 led the insurgent lords to enact that, because 'the barons of this realm ought to have vote in parliament as a part of the nobility,' each sheriff was to be instructed to summon the barons of his shire 'by open proclamation at the market cross of the head burgh of the same, to compare within the Tolbooth upon eight days warning . . . and there to choose one or two of the most qualified barons . . . to be commissioners for the whole shire.' Once again legislation was fruitless, and the fact confirms the suggestion that it was a mere party move. But it called attention to a constitutional grievance, and twenty years later the matter was taken up in earnest. It is not easy to believe that action was taken in 1585 purely out of love for constitutional principles. A keen religious contest was in progress, and the smaller barons were, as in 1560 and 1567, on the side of the general assembly. One is therefore inclined to infer that the 'article' which was presented to parliament urging how 'necessary it is that his highness and they be well and truly informed of the needs and causes pertaining to his loving subjects in all Estates, especially the commons of the Realm,' originated in ecclesiastical quarters. There was decided to reaffirm the 'gude and lovable' act of 1427. The details of machinery need not detain us. There was to be an election of 'two wise men being the king's freeholders resident indwellers of the shire of good rent,' chosen by 'all freeholders of the king under the degree of prelates and lords of parliament,' who have 'forty shillings land in free tenantry of the king and their actual dwelling and residence within the same shire.' The act was ratified two years later, when his Majesty had reached 'his lawful and perfect age of twenty-one years complete;' and it was added that the shires should be taxed to pay the expenses of their commissioners. No other alteration of principle took place until the Reform Act of 1832. In the reign of William and Mary the proportion of members to each shire was readjusted. But the Acts of 1585 and 1587, succeeding when the act of 1427 had failed, detached the small barons from the greater freeholders and created a new 'Estate' of the realm.

3. We have seen that down to the war of independence there is no ground for believing that burgesses attended the great council of the kings. When the first Scottish 'parliament' met after the battle of Bannockburn, there was no indication that anything had happened in the interval to change its constitution. In 1314, and again in 1315, in 1318 and in 1320, we read of 'full parliaments,' the members of which are described in the old terms. At none of

these meetings, so far as we know, was any monetary business transacted. But in 1326 King Robert summoned to meet him, at the abbey of Cambuskenneth, associated with the victory of Wallace, and almost within sight of the field of Bannockburn, a parliament which was to settle the pecuniary relationships of king and people, and reimburse the king for the expenses of the war. To this parliament King Robert called not only noblemen, but 'burgesses and all other free tenants of the kingdom.' To the agreement then made the seals of the burghs were appended. To what circumstances are we to attribute this development? It is, of course, natural that the royal burghs should come to be represented in a council of tenants-in-chief, as the 'barons of London' and the imperial cities found their way into the parliament of England and the Diet of the Empire. But the institutions of the Courts of the Four Burghs and of the Hanse Burghs offered an alternative line along which the development of burghal representation might have gone; and, in point of fact, the Convention of Royal Burghs did continue to possess and to exercise certain powers which appear to us proper to parliament. The meeting at Cambuskenneth in 1326 is thus, to some extent, a critical point, and its importance is increased by the king's attempts to render burghs dependent on great nobles instead of upon the Crown.²² These attempts were rendered illegal by parliament in the reign of David II; but plainly, but for their having at this juncture a voice in parliament, the history of the burghs might have been widely different.

We may hazard a guess why King Robert did not negotiate with the burghs in the accustomed way. In 1305, when the chances of the independence of Scotland seemed very small, Edward held a parliament in London, which was attended by Scots representatives—by whom elected or chosen, we do not know. Robert the Bruce was also present, as an English lord. Possibly he found his model in the burgesses who thronged the English parliament. It must also be recollected that, since the end of the war, King Robert had entered into a new relation with a burgh. Hitherto the Scottish kings had spoken of the burgesses rather than of the burgh. But in 1319 Robert I gave a charter to the city of Aberdeen, in which he recognised it as a corporation, and granted it certain possessions, on condition of an annual payment, assessed by the burgh itself.²³ Edinburgh received a similar charter in 1329.

It is generally assumed that the presence of burgesses at Cambuskenneth in 1326 was an admission of their right to a share in the work of parliament. 'From henceforth,' says Professor

²² Cf. Innes, *Legal Antiquities*, p. 116.

²³ *Charters of the Burgh of Aberdeen*, ed. P. J. Anderson; also in the Spalding Club edition of Gordon's *Description of Aberdeen*.

Innes, 'undoubtedly, the representatives of the burghs formed the Third Estate, and an essential part of all parliaments and general councils.'²⁴ The records, as we possess them, do not bear this out. It is true that the 'parliaments' of Edward Balliol refer to the 'assent des Prelatz Countes Barouns Chivalers et toux autres assemblez :'²⁵ but this is merely a return to the older nomenclature. In 1339, Robert the Steward of Scotland speaks of the prelates and magnates of the kingdom alone as constituting a 'full parliament.' Two years later, a 'full parliament' was held at Aberdeen, and although part of its business was to grant a charter to the burgh, only bishops, lords, and freeholders ('milites') were present. Similarly in 1358 and 1359 we have no record of the presence of burgesses. The parliament of 1363 speaks of the 'three estates,' but we know that there were present only the 'prelati et proceres' of the realm.²⁶ But in 1356-7, and again in 1363, councils were held at which burgesses were present. On both these occasions the subject under discussion was the raising of money. It is probable that the constitutional theory at this date was that the burghs were to be consulted only on pecuniary matters. In confirmation of this view, we may point to the wording of the record of the council of 1363. It tells us that the lords were present as usual, and that there were also summoned others 'who are wont to be called to a council of this kind,' *i.e.* a money council. Three years later, money was again needed. A convention was held at Holyrood in May 1366 to consider the terms of peace with England, which involved considerable pecuniary adjustment. The nobles decided to call a parliament and to summon the common people 'who will not be present and will not promise to be present.'²⁷ Bishops, abbots, and lords were called 'in the accustomed manner,' and there attended 'from every burgh certain burgesses, who were cited for this purpose.' They were represented in 1367, in June 1368, possibly in March 1368-9, and certainly in February 1369-70 and March 1371-2. It is possible that from the end of the fourteenth century the burgesses took their place in every parliament; but there are many instances between 1372 and 1455 in which we cannot trace their presence. From 1455 onwards they are found in every parliament and on the regular committees.²⁸

²⁴ Innes, *op. cit.* p. 116.

²⁵ *Acts*, vol. i. References to acts when no authority is quoted are always from the volumes of *Acts of the Parliaments of Scotland*.

²⁶ *Acts*, i. 492. We have no reason for supposing that 'proceres' included burgesses, as it is generally used in contradistinction to them.

²⁷ 'Plebanos, qui ad parlamentum non erunt, nec voluerint promittere interesse ibidem.'

²⁸ Although the burgesses had thus successfully asserted their right to a place in parliament, the theory was not at once extended to the meetings known as con-

It remains, in this connexion, to determine how far the burgh members were elective or representative in the strict sense of the word. In the early references to the presence of burgesses in parliament, we have no hint of any idea of a definite representation constituted by a form of election. To the Cambuskenneth parliament of 1326 the burgesses seem to have come as other free tenants came. There attended 'burgesses and all other free tenants of the kingdom.' We know nothing of the conditions of attendance of the burgesses in 1356-7; and in 1366, as we have seen, 'certain burgesses' were present, who had been specially summoned. In neither case, nor anywhere else, do we find any suggestion that the burghs chose representatives. We are brought, therefore, to the year 1367. In that year, when the Estates met, it was found that so many burgesses attended that their presence would interfere with harvesting operations, and, accordingly, 'certain persons were elected to hold parliament, and permission was given to the rest to go home, because of the harvest.' This, then, is the first record of the election of a committee to do the work of parliament. The wording of the record is important. 'On the part of the burgesses there were elected: from Edinburgh, Adam de Bronhill and Andro Bec; from Aberdeen, William of Leth, and Johne Crab; from Perth, Johne Gill and Johne of Petscoty; from Dundee, William of Harden and William of Inverpeffer,' and so forth. Burgesses were present in considerable numbers—at all events, in such numbers that two members could be chosen (*electi*) to represent each town. Similarly, in the next instance (1369), 'it did not seem fitting that the whole community should be kept in attendance,' and two committees were appointed, one for the general work of legislation, and the other to conduct the judicial business which belonged to the Estates. It seems not improbable that we have here a system according to which any burgh that chose might attend. If so, these elections to committees were really the earliest efforts at parliamentary representation in Scotland.²⁹ In short, the evidence, positive and negative, warrants, perhaps, the conjecture that, at the first, the burghs chose no representatives, but that such burgesses as cared to attend were the representatives of the burgh; that the appoint-

ventions, which could impose taxes, and possessed every parliamentary power except that of passing general laws. In 1503 an act was passed, ordering that 'commissioners and head men of burghs be warned' to attend conventions; but it had to be re-enacted in 1563, and even after that date it was not completely operative. Between 1566 (the first date of their recorded presence) and the end of the sixteenth century burgesses were present at only half of the conventions which were held. It is important to note that the royal burghs alone had parliamentary representation up to the year 1832.

²⁹ We have no evidence that the Court of the Four Burghs was in any sense strictly representative.

ment of committees formed really the germ of the elective idea, by necessitating a choice after parliament met; and that, in course of time, it became apparent that the election might as well be made at home as in Edinburgh or at Scone.³⁰ The earliest records of parliamentary elections that we possess are statements, in burgh accounts, of payments made to commissioners to the Estates. It is significant that they date from the beginning of the fifteenth century, by which time the device of appointing committees had been frequently employed.

There are two other points in the membership of the Scottish parliament which must deserve mention. The great officers of state³¹ possessed *ex officio* seats in parliament. It was an arrangement which had much to commend it; but there was a tendency for it to become burdensome; and in 1617 an Act was passed prohibiting more than eight officers of state from possessing official seats in parliament. It was customary also, from an early period, for the eldest sons of the great nobles to be present at meetings of the Estates.³² They were in no sense members of parliament. They had no right either of speaking or of voting. But had circumstances been more favourable to the growth of the power of parliament, the conception of such a training for legislative responsibility might have been rich in practical results.

The composition of the Scottish Estates offers a tempting parallel to that of the German Diet after the Great Interregnum. Constitutional development ran in the two countries on somewhat similar lines: the position of the king of Scotland was often analogous to the place held by the emperor; nobles and prelates correspond to the temporal and ecclesiastical princes, and the royal burghs to the free cities, while in neither assembly were there any members like the English 'knights of the shire.' But there does not seem to be any ground for regarding the likeness as more than a coincidence, or for disputing the 'orthodox' theory which declines to admit the existence of German influence over Scotland before the sixteenth century. Had we any definite constitutional life to record, it would be of interest to discover in

³⁰ The possible objection that a similar theory of burghal representation has been stated and rejected by English constitutional historians is scarcely applicable. For it is agreed that the idea of representation existed in England before the towns were summoned to parliament, while in Scotland no such idea is traceable, nor are there any writs such as were issued for the English towns. It might even be argued that, in strict theory, there was no representation in Scotland till 1832; that commissioners both from shires and burghs only saved their fellows the trouble of attendance, the right to attend being, not *de facto* but in ultimate theory, possessed by all who were entitled to vote. Such a statement is certainly true of the shires, at all events.

³¹ The chief officers of state were the lord chancellor, the lord high treasurer, and the lord privy seal, who took precedence of all the nobility; the secretary, the clerk of register, the king's advocate, the treasurer's deputy, and the lord justice clerk.

³² They were excluded from 1640 to 1662.

what relation the three Estates stood to each other. But as to this we have almost no evidence. The first instance of the occurrence of the term the 'three Estates' (*tres communitates*) in the acts belongs to the year 1357.³³ In medieval times, the three Estates are the clergy, barons, and burgesses. When James I attempted to introduce commissioners from shires into parliament,³⁴ he really contemplated the creation of an additional Estate, and after his scheme was actually carried out by James VI³⁵ there were three or four Estates according as the clergy were represented or not.³⁶ The word 'Estates' is not specially appropriate, and the Estates of the realm of Scotland must not be confused with the English use of the word.

It has been surmised that the clergy and the burgesses acted with the crown, in opposition to the nobles; but to state such a formula is to read English ideas into Scottish history. The historian can point to scarcely an instance where the nobles were definitely ranged in a body against the king. If nobles were the most prominent opponents of the Crown, nobles were also its most prominent supporters, although the *personnel* of both parties constantly varied. The bishops, as we have seen, were often dependent upon the great lords. As to the burgesses, it seems to be clear that the three or four of them who were included among the Lords of the Articles acted with the party in power. Only thus can we explain the fact that alike when the Douglasses and the Boyds and the Hamiltons ruled the land the administrative enactments of parliament progressed without any difficulty. These acts were frequently passed 'by request of the burgesses,' and they were obeyed only in the towns. The people of the towns had small reason to oppose either noble or king. The hand of the great lord lay heavy on the inhabitants of the country, but the burghs knew no such pressure.

4. Scarcely less important than the membership of a parliamentary body is the method of its deliberation. In this respect the Scottish parliament was widely different from that which sat at Westminster. The three Estates met in one chamber. In the centre was the seat occupied by the sovereign, when he was present in person; in later times, by his commissioner. On the left hand sat the noblemen and barons; on the right, the prelates and representatives of burghs. The Estates voted together. The president was, in general, the lord chancellor. He was, at the first, nominated by the king for the purpose, but he gradually came to hold the position *ex officio*. The absence of a speaker for

³³ *Acts*, i. 491. The use of the term in connexion with the coronation of Alexander II in 1214 (*Acts*, i. 67) is explained by its being simply a quotation from Fordun (ix. 1).

³⁴ *Cf. supra*, pp. 218-19. ³⁵ *Cf. supra*, pp. 221-22. ³⁶ *Cf. supra*, pp. 217-18.

the Commons deprived them of much of the power possessed by the third Estate in England. The act of 1427, to which we have already referred, included among its provisions the creation of this office; but, like the rest of the act, this clause was not enforced, and it was never resuscitated. The theory of the three Estates was practically complete by the year 1400, although we have occasional instances of legislation without this formality. A parliament of James II, for example, made a statute regarding merchants 'with consent of the clergy and barons alone,' and in 1449, on a question of heirship, the prelates and burgesses were 'removed' before the decision was made.

The relations of the Estates to the Crown were in an unsatisfactory condition. In times of stress the parliament had no hesitation in appointing its own president. Randolph, in his letter to Cecil,³⁷ mentions that, in 1560, Lethington was 'chosen harangue-maker.' In 1640, again, Robert, Lord Burley, was elected 'president of this court and session of parliament, in the absence of the king's commissioner.' In strict legal theory both of these meetings were probably invalid. It is difficult to understand how far the royal assent was necessary to the validity of acts. In ordinary circumstances, a necessary condition of a valid parliament was the presence of the regalia, and the king gave his approval by touching the bills or 'articles' with the sceptre, whereupon they became acts of parliament. The want of constitutional life prevented the question from arising in a definitely constitutional manner. When the difficulty did appear, it was, like the similar problem of the presidency, settled without any debate; and we have no instance except in times of revolution. There is an interesting passage in Knox's 'History'³⁸ in which he discusses the matter in connexion with the great parliament of 1560, which established the protestant faith, and which did not receive the royal consent till it was ratified in 1567, when the earl of Murray had assumed the regency for the infant whom he had made James VI. The historian tells us that Francis and Mary withheld their consent. 'But that we litill regarded or yit do regarde; for all that we did was rather to schaw our debtfull obedience, than to bege of thame any strength to our Religion.' The point is thus contemptuously dismissed, but Knox considered it necessary to give more attention to a possible objection that the parliament was not legally summoned in the first instance. 'But somewhat most we answer to suche as since hes whispered, that it was bot a pretended parliament.' He solved the matter by a legal quibble, and proceeded to affirm, in addition, that it was the only free parliament which had been held: 'In it, the votes of men were free and gevin of conscience; in otheris thai war bought or gevin at the devotioun of

³⁷ Vide *supra*, p. 220.

³⁸ Laing, *Knox*, ii. 87.

the prince.' Such sentiments as these can scarcely be said to represent any advance in constitutionalism. We may place alongside of them the views of King James VI, as he expressed them to his English parliament in 1607.³⁹

For here I must note unto you the difference of the Parliaments in these two kingdomes, for there they must not speak without the Chancellor's leave, and if any man doe propound or utter any seditious or uncomely speeches, he is straight interrupted and silenced by the Chancellor's authoritie. . . . About a twentie dayes or such a time before the Parliament, Proclamation is made throughout the kingdom, to deliver into the King's Clarke of Register all Bills to be exhibited that Session before a certain day. Then are they brought unto the king, and perused and considered by him, and only such as I allowe of are put into the Chancellor's hand to be propounded to the Parliament. Besides, when they have passed them for lawes, they are presented unto me,⁴⁰ and I with my Scepter put into my hand, by the Chancellor, must say: 'I ratifie and approve all things done in this present Parliament.' And if there bee anything that I dislike, they raise it out before. If this may bee called a negative voyce, then I have one, I am sure, in this Parliament.

The contradictions find, as usual, their reconciliation in fact; King James described the forms normally used; Knox regarded them as not in any degree essential to the validity of parliament. The rules of procedure certainly tended to a despotic monarchism. But they owed their existence simply to custom, and could not be regarded with any peculiar reverence, when the popular party was uppermost. There had never been any definite settlement. They governed who had the power; they kept the forms who could.

5. But the most characteristic portion of the procedure of the Scottish parliament was the devolution of the work of legislation upon committees. The origin of the committee which became famous under the title of the Lords of the Articles is one of the standing puzzles of Scottish history. The date of its first appear-

³⁹ Speech at Whitehall, 31 March 1607.

⁴⁰ The right of prorogation is tacitly assumed by the king in this speech. It was the cause of a dispute in the troublous times which followed 1638. The parliament of 1640 protested that 'Johne, Erle of Traquair, his Majestie's Commissioner, did take upon him without consent of the Estates, upon a private warrand, procured by himself, against his Maiestie's publick patent, under the great seall,' to prorogue parliament. They therefore continued to sit, and took up stronger ground, viz. that prorogation without consent of parliament was 'against the lawes and libertie of the kingdom, . . . without precedent, example, and practice.' The language is clearly taken from the contemporary protests of the English commons, and it cannot be regarded as more than a political weapon, borrowed for this occasion from the English constitutional armoury. It in no way corresponds with the general state of feeling in Scotland. In 1661 the Estates resolved that 'the King hath sole power to call and prorogue Parliaments.' Both resolutions were recognitions of fact, not of theory. At various times, from 1398 onwards, acts were passed that parliament should meet once a year. These were probably connected with the judicial powers of the Estates. In point of fact, they were dead letters.

ance is well known, but how or wherefore parliamentary procedure took this peculiar form has been a standing problem.

The first instance of the appointment of a committee (1367) has been already quoted. The record for that year runs thus:—

Convocatis tribus communitatibus Regni . . . certi personae electi fuerunt per eandem ad parlamentum tenendum, data aliis causa autumpni licencia ad propria redeundi.

As we have seen, burgesses found a place upon the committee. The next parliament met in June 1368. Burgesses were present, and there is no mention of committees. In March 1368–9

de concessu et confirmatione trium communitatum congregatarum, propter importunitatem et caristiam temporis . . . electi fuerunt certi personae ad ipsum parlamentum tenendum, data licencia aliis remeandi.

On this occasion burgesses do not appear on the list of the committee, and indeed we have no definite assurance of their presence at all. In February 1369–70 we know that burgesses were present,⁴¹ and we are told that when parliament met it did not seem expedient that the whole ‘*communitas*’ should take part in the business (‘*universalis communitas ad deliberationem huiusmodi intenderet seu eciam expectaret*’), and two committees were appointed—one to deal with general business and the other with matters connected with the administration of justice.

At this point it may be well to state the kind of business transacted at these various parliaments. In 1367 financial matters formed the most important portion of the business of parliament, and we are therefore prepared to find burgesses on the committee. In March 1368–9, when we have no assurance that burgesses were present, the most important item of business was the pacification of the Highlands; but an enactment was made which was of special interest to the burghs, for Lanark and Linlithgow were given places in the Court of the Four Burghs, instead of Berwick and Roxburgh, now held by ‘our adversaries the English.’ In 1369, when burgesses were elected to the Committee for Justice, that committee had to deal with a dispute between the town of St. Andrews and the guild of Cupar, while the committee for general business, on which they do not appear, dealt with the question of the king’s debts, taxation, police, and the war with England. There is little in all this to give us any guidance as to the origin of committees. The facts, so far, seem equally compatible with the unwillingness of burgesses to attend, of which the nobles had complained in 1366, and with an attempt on the part of the nobles to reduce the burgh element and to monopolise the efficient power of parliament.

The subsequent history of these committees proves that, what-

⁴¹ *Acts*, i. 173.

ever was their origin, they did become an instrument in the hands of cliques of nobles. The next instance is in March 1371-2, when the precedent of 1369 was followed.

Imitando videlicet ordinem illum et modum qui servabantur in parlamento tento apud Perth tempore venerandae memoriae domini Regis David, anno Regni ipsius quadragesimo [1369], electi fuerunt quidam . . .

There were again two committees elected—one for justice and the other

ad tractandum et deliberandum super certis specialibus Regis et Regni negociis, antequam perveniant ad noticiam consilii generalis, licentiatas autem aliis ut recedant.

There are no lists of members of either committee, nor is there any record that the special business was submitted to a parliament. The statutes made were

de consensu et assensu trium communitatum per presidentes sive per personas electas ad determinationem negociorum in parlamento eodem.

An oath to observe the statutes was taken after they were passed, and it is remarkable that only the barons are mentioned as taking it. This is suggestive of the absence of burgesses from the General Committee, in accordance with the precedent of 1369, and the very first clause in the record of the actions of the General Committee gives some indication that it was desired to exclude certain persons from it.

Primo et principaliter, iuxta predictos modum et ordinem, est ordinatum quod nullus electus ad consilium cuiuscunque conditionis gradus pre-eminentiae sive status alium non electum ad consilium seu in consilio Regis sibi consiliarium vel assessorem aut alia de causa adducat.

The business included an act which is thus summarised: 'Mandata Regis non exequenda contra statuta vel formam iuris.' The weakness of Robert II, already an old man, and the general political history of the time, render it impossible to accept this as a constitutional claim, and the overwhelming probability is that parliament was, as so often afterwards, in the hands of a small clique of nobles, who used it for their own purposes. At all events there must have been some reason for following the precedent of 1369 instead of that of 1367, and thus excluding the burgess element.

Between the year 1371 and the return of James I from exile we have no information regarding parliament. There are references to the three Estates in 1384, and again in 1398; but we are without any hint of the method of conducting business, and almost

the only records that have come down to us are charters. In 1424 the old phraseology reappears: 'Electi fuerunt certi personae ad articulos datos per dominum regem determinandos.' This is the first known instance of the term 'Articles,' by which the committee was to be known. In March 1425-6 there is no record of any such committee. In March 1425-6, in May 1426, and in September 1426 we find committees which are said to be elected by the whole counsel of the three Estates. In July 1427, in March 1427-8, in July 1428, in April 1429, in March 1429-30, and in April 1432 we have again no record of their existence. At a parliament held at Perth in October 1431 a committee was appointed for special police and judicial purposes, and it met in May 1432 and passed certain acts. In March 1433 we read of no committee; in October 1434 only of a committee for justice, which included burgess members; and in 1436 of no committee. From the second year of the active reign of James I to his death we have, then, no trace of the General Committee of the Articles.

Between the murder of James I, in February 1436-7, and the fall of the house of Douglas, in February 1451-2, there are records of eight meetings of parliament. But, with one exception, there is no evidence of the presence of burgesses at all. The record of March 1437-8 says—

comparentibus tribus Regni statibus apud Edinburgh, omnes comites nobiles et barones ac libere tenentes dicti regni . . . ,

with no mention of burgesses; and the use of the word 'Consilium Generale,' or 'Counsale Generale,' in 1438, 1440, and 1450 may point in the same direction. The single⁴² exception is the Parliament which met in January 1449-50, when the young James II first asserted himself by procuring the forfeiture of the Livingstones. Burgesses attended, and it is significant that we find no trace of the Articles. During the final struggle with Douglas there is again no reference to burgesses, but in August 1452, when the king had defeated the great house, we find burgesses represented in parliament, and there is again no mention of the Articles. In August 1455 the dress of burgess members is regulated by statute, and their attendance is regarded as normal. During the personal rule of James II, which continued till his death in 1460, burgesses are constantly represented, and the only committees of which we read are for justice alone, to which burgess members were elected.

During the first few years of the minority of James III the policy of the late king was continued under the strong hand of Bishop Kennedy, and it is not till after his death, in 1465, that

⁴² In 1445 three burgesses, along with fifteen of the clergy and barons, attest the erection of the lordship of Hamilton; but there is no further evidence of their being present or taking any part in the parliament of that year.

the Lords of the Articles reappear. In 1467 Lords of the Articles were appointed, and thenceforth their power and importance greatly increased. In 1469 they were empowered to report, not to the whole parliament, but to a committee constituted on the analogy of the Lords of the Articles themselves, 'with power committed by the whol Estates . . . to advise, commune and conclude.' Two years later the membership of this plenipotentiary committee became almost identical with that of the Lords of the Articles, who thus, practically, received power to report to themselves and to ratify their own conclusions 'upon all matters concerning the welfare of our Sovereign lord . . . and the common good of the realm.' 'Our Sovereign lord' was, at the time, a captive in the hands, at first of the Boyds, and afterwards of the Hamiltons, and the rapid development of the powers of the Lords of the Articles is explained by the desire to exclude any adherents of the opposite faction from voice or vote in parliament, and, as such, it continued to be employed.⁴³

On a general review of the evidence several points are clear. The device of superseding parliament by a committee was employed for the first time under a weak king, and precisely at the moment when burgesses were first appearing as an integral part of parliament. After it was elaborated in 1369, the method continued to be employed on every occasion on which burgesses were present, and, so far as we know, only when burgesses were present, till the return of James I from England; and its usual result was to exclude the burgess element from the effective work of parliament. From the date when James I had established his power to the time of his murder, in 1436-7, burgesses were regularly present, and the only committees were for purposes of justice. On these the burgesses were represented. Between the death of James I and the fall of the house of Douglas, in 1451-2, we are again uncertain as to the presence of burgesses in parliament, and there were no Lords of the Articles, so far as can be ascertained. The one occasion on which we know that burgesses took a share in the work of parliament was in January 1449-50, when the young James II first asserted himself by procuring the

⁴³ From 1467 to 1482 the numbers of the Lords of the Articles were from three to five representatives of each estate. During the struggles which marked the end of the reign of James III, and before his son had succeeded in asserting the royal power, we find burgesses forming a very small proportion of the Committees of the Articles. The numbers are instructive:

Year	Clergy	Barons	Burgesses
1483	6	6	4 (<i>Acts</i> , ii. 145.)
1485	6	6	3 (<i>Acts</i> , ii. 169.)
1488	9	14	5 (<i>Acts</i> , ii. 200.)
1489	8	10	4 (<i>Acts</i> , ii. 217.)
1491	10	10	3 (<i>Acts</i> , ii. 229.)

On the other hand in 1503, under the strong rule of James IV, six clergy, six barons, and seven burgesses were chosen (*Acts*, ii. 239).

forfeiture of the Livingstones. It is significant that we find no trace of the Lords of the Articles. After the king had defeated the great house, and had begun to rule in person, we find burgesses regularly present in parliament, and the only committee was the judicial one, on which they find a place. During the first few years of the minority of James III the policy of the late king was continued by Bishop Kennedy, and it is not till after his death that the Lords of the Articles reappear. During the years of intrigue and faction which followed the death of Kennedy in 1465, the Committee of the Articles was developed and established as a normal part of parliamentary procedure.

The invariable correspondence between the presence of burgesses in parliament and the use or disuse of the system of committees, according as the king was weak or powerful, suggests as a possible explanation that the origin of the Committee of the Articles may be traced to an attempt of the barons to exclude the burgesses from parliament. This view is confirmed to some extent by the fact that in 1371-2, within two years of the first employment of the device, the committee for the general business of parliament seems to have been used for the purpose of excluding certain persons, while, both in 1369 and in 1371-2, burgesses were present in parliament and were not elected to the general committee. It was, further, only in this indirect way that parliament could control the number of burgess members, for there is no evidence of the passing of any act dealing with burgess representation, and, as late as 1619, the Convention of Royal Burghs⁴⁴ ordered that every burgh, except Edinburgh, should send only one, instead of two, members to parliament, and the resolution was carried into effect without even the formality of consulting the Estates. It cannot, however, be said that the evidence excludes the alternative explanation that these committees originated simply in the unwillingness of the burgesses to attend parliament, and were afterwards employed by the barons for purposes of faction. But it is difficult to reconcile this view with the fact of the appearance of burgesses, in 1367, in such numbers that a choice of two members from each town could be made from among them, and with the instances of their retention for judicial purposes only, as well as with the concomitance, just pointed out, of the presence of burgesses and the election of Lords of the Articles.

The next development in the history of the General Committee belongs to the year 1535, when King James V dispensed with the cumbrous device of two committees, and the Lords of the Articles entirely superseded the three Estates. As the Crown chanced to be strong, the committee was not allowed to deal with 'all matters' as in the days when the king was weak, but only with such matters

⁴⁴ The final form assumed by the Courts of the Four Burghs and the Hanse Burghs.

as it might 'please his grace to lay before them,' and King James reserved to himself the power of summoning all his prelates and barons if he should so wish. The new scheme was only for occasional use,⁴⁵ but it familiarised people with the all-sufficiency of the Lords of the Articles, and during the next reign parliament ratified, without comment and as a matter of form, what they had done. Randolph, the English ambassador, has preserved for us a record of the proceedings in 1563.⁴⁶

Their Parliament here has begun. On the 26th ulto. the Queen, accompanied with all her nobles and above thirty picked ladies, came to the Parliament house, her robes upon her back, and a rich crown upon her head. The duke [Chatelherault] next before her with the regal crown, the Earl of Carlyle the sceptre, and the Lord of Murray the sword. She made an oration to her people. . . . The Lords of the Articles are chosen, and sit daily at the Court, where ordinarily the Queen is present, in debating all matters. Upon Friday next, she comes again to the Parliament House to confirm such Acts as are concluded upon, and to prorogue the Parliament.

During the early part of the reign of Charles I, and between the Restoration and the Revolution of 1689, this was the normal procedure. The parliament met in full only on the first and the last days of its meeting. It was of small value that every liege had free access to the Lords of the Articles, to lay his complaints before them, but even that privilege seems to have been occasionally doubtful.⁴⁷

The importance of the Lords of the Articles clearly depended upon the method of their election. It has been supposed that, at first, each Estate elected its own representatives. But the non-appearance of burgesses on the general committee in 1369 is, perhaps, an indication to the contrary. In 1524, the spiritual lords were chosen by the temporal lords. We know this only from certain protests which were made, and it is not easy to draw any inference from it.⁴⁸ Randolph,⁴⁹ to whom we owe so much of our information regarding Scottish affairs in the latter half of the sixteenth century, described to Cecil the method in vogue in 1560. His words imply that it was the ordinary custom. 'The lords proceeded immediately hereupon to the chusing of the lords of the articles. The order is that the lords spiritual chuse the temporal, and the temporal the spiritual, and the burgesses their own.' From 1592 to 1609 the selection is said to be made by 'the whole Estates'—whether collectively or independently is not stated. In 1606, 1607, and 1609, King James nominated the members who

⁴⁵ It was next employed in 1581.

⁴⁶ Randolph to Cecil, 3 June 1563, *Foreign Calendar, Elizabeth*.

⁴⁷ Proclamation of James VI, July 1578.

⁴⁸ *Acts*, ii. 289.

⁴⁹ Robertson, app. iv. This is the only evidence that we possess to show that the burgesses chose their own representatives.

were elected, and in 1612 he devised a very characteristic arrangement which, in part, reverted to the method described by Randolph. There were at this date very few prelates, and they were all his own creatures.⁵⁰ The lords temporal, therefore, could not but choose lords spiritual agreeable to the king, and they, in turn, could select from the nobles men as obsequious as themselves. The representatives of the prelates and nobles must select suitable men from the Third Estate. Such was the royal scheme. We hear of it first in 1612.⁵¹ We are fortunate enough to possess an account of the 'Ordo and Progres of the Parlement October 1612' from a manuscript in the handwriting of Sir Thomas Hamilton, the secretary.⁵² When the Estates had met, and had listened to a sermon by the archbishop of Glasgow and a speech from the king's commissioner, the prelates and noblemen were instructed to retire, to choose the Lords of the Articles. The secretary intimated privately to the lords temporal the names of the prelates whom the king wished to be chosen. They 'debaited the mater verie preciselie,' having first dismissed the secretary, 'and after many discourses of the necessitie of the mentenance of thair privilegis and libertie, be pluralitie of votes, changed so many of the roll of the prelates as they had men to make change of.' The bishops, on the other hand, received 'the roll of the noblemen whom his Maiestie recommended to be upon the Articles, whilk thay presentlie obeyed be thair election.' When the prelates and noblemen met to choose the commissioners of barons and burgesses, both maintained their attitude, 'and maid sum change, so far as the noblemen could.' This method did not become fixed till 1633, but it represents more or less accurately the condition of matters between 1612 and 1638.

The usurpation of all parliamentary power was, of course, bitterly resented. As early as 1524, we have evidence of opposition; but the dispute of that year was rather personal than political, and not in any sense constitutional. The first constitutional protest dates from the year 1633.⁵³ But even this is rather a remonstrance against the decisions of the Lords of the Articles than against their election and procedure, although there are references to these. Burton guardedly describes the incident as containing 'distinct vestiges of a constitutional parliamentary opposition.'⁵⁴ In 1640, parliament, no longer under royal control, ordained that the Lords of the Articles should be 'ane equall

⁵⁰ In the speech quoted *supra*, p. 228, King James ignores the Lords of the Articles altogether.

⁵¹ *Miscellany of the Maitland Club*, iii. 112-8.

⁵² Afterwards the first earl of Haddington.

⁵³ 'Humble Supplication of a great number of the Nobility and other Commissioners in the late Parliament,' *State Trials*, iii. 604. Cf. also Row, *History of the Church of Scotland*, pp. 365-6 (Wodrow Soc.).

⁵⁴ *History*, vi. 87.

number of all Estates, and . . . chosen by the hail bodie of the Estates promiscuouslie and togidder, and not separatlie, by ilk ane of the thrie Estatis apairt.' In 1668, by command of the king the older method was restored, and it continued in force till the Revolution. The parliament of 1690 abolished the Lords of the Articles, and declared that 'the estates may appoint such Committees as they choose, there being an equal number of each estate.' Such is the history of that important body.⁵⁵

The history of the Judicial Committee has been often told, and need not detain us long. We have already seen the first appointment of a commission to undertake the judicial work of parliament. From 1368 to 1532 this cumbersome method was maintained, although the membership of the committee was frequently altered, and the acts of parliament contain many references to their sitting. James I was impressed with the wisdom of the English judicial arrangements, and he introduced a modification into the Scottish system. In 1425 the lord chancellor and 'sundry discreet persons' of the Estates received power to 'examine, conclude, and finally determine' all complaints. In the next reign the judgment of these 'lords of session' was declared to be final. In 1503 a co-ordinate court was instituted, chosen by the king, and endowed with full powers, so that there were three courts of justice to deal with the numberless grievances of the lieges. The judicial system took its final shape from France. In 1532 King James V proposed 'to institute ane college of cunning and wise men baith of spiritual and temporale estate . . . to sitt and decyde upon all actiounis civile.' The Estates thought this 'wele consavit;' and accordingly the wise and cunning men were created into a College of Justice, with a president at its head. It was sanctioned by the pope, and confirmed by parliament in 1540, when the Estates granted 'to the President, Vice-President, and the senators power to make such acts, statutes, and ordinances, as they shall think expedient for ordering of process and hasty expedition of Justice.' It then consisted of a president, with seven spiritual and seven temporal lords of session,⁵⁶ and, with slight modifications, the Court of Session continues to decide all civil cases in Scotland. The High Court of Justiciary was instituted by

⁵⁵ The numbers of the Lords of the Articles varied considerably. In 1587 it was fixed at any number varying from six to ten from each Estate and this may be taken as fairly representative of their number throughout, though in early times it is somewhat smaller. Cf. *supra*, p. 232, n. 43.

⁵⁶ The title of 'Lord' was early assumed by the president and senators of the College of Justice. The title was prefixed to the surname of the judge, if he did not take a territorial designation. An attempt was made by the wives of the early senators to adopt the corresponding title 'Lady,' but, according to tradition, their ambition received a check from King James, who remarked: 'I made the carls lords, but wha made the carlines ladies?'

James VI in 1587, to supersede the old jurisdiction of the justiciar, and was remodelled in the reign of Charles II.

6. We know, from various sources, something of the pomp and circumstance which accompanied a meeting of parliament. The dress of the members was strictly prescribed,⁵⁷ and formed often the most expensive item⁵⁸ in a member's account-book. The Stewart sovereigns, with scarcely an exception, loved display, and the meeting of the three Estates afforded an unusually good opportunity. Queen Mary's personal beauty gave an additional splendour to the meeting of parliament in 1563, and as she rode in procession the populace of the capital could not restrain their enthusiasm, and hailed her with shouts of applause, 'God save that sweet face!' Her son took strong measures to prevent what he termed the decay of the majesty of his parliament. In 1600 he enjoined that all members 'rydand on horseback, clad with fut mantillis, and uthervis abuilzementis and clething requisit for the honour of the present actioun, repair, attend, and accompany his Majesty' to and from Holyrood and the Tolbooth, 'and that nane schaw themselves unhorsit or vantand fut mantellis under the pane of tinsell of thair vot and place.'⁵⁹ The procession was marshalled in reverse order of precedence. First came the commissioners of burghs in their black gowns. They were followed by the commissioners of barons, members of the privy council, and officers of state not being lords. The clergy came next, priors, bishops, and abbots, being alike attired in silk gowns, and immediately after them, lords and earls with their mantles of velvet. Trumpeters preceded pursuivants and heralds, and the Lord-Lyon-King-at-Arms in his gorgeous apparel, walking 'him alane,' immediately in front of the honours of Scotland. Behind his sword, sceptre, and crown, rode the king himself, between the captain of his guard and the constable of the kingdom. The chancellor and the great chamberlain were in immediate attendance upon their master. Last of all came the marquesses and the royal household. After the Reformation the work of parliament was invariably preceded by a sermon. When the full parliament met again to ratify the proceedings of the Lords of the Articles, the 'Lyon Herald' solemnly presented the sceptre to the king, who touched the articles. Prayers followed, and the house was dissolved. It was small wonder that the citizens of Edinburgh felt some regret when the glory of the Parliament House departed.

ROBERT S. RAIT.

(To be continued.)

⁵⁷ The befurred and bedecked gowns and hoods of every Estate are minutely described in an act of 1455.

⁵⁸ Innes, *op. cit.* pp. 152-3.

⁵⁹ Register of the Privy Council, 1600.

The Relations of Defoe and Harley

NOTWITHSTANDING all that has of late been written about Defoe, his life still contains many dark and doubtful passages. On some of these, however, a flood of light has recently been thrown by the labours of the Historical Manuscripts Commission, whose fifteenth report (appendix iv.) has made abundantly clear the relations long obscurely known to have existed between him and Robert Harley. It is the object of this article to discuss these relations in some detail, and to consider more particularly the period from 1703 to 1711. The son of a London butcher, Defoe comes before us as the foremost pamphleteer of the Revolution age, potent as the leader of that lower middle class whose mental outlook was so nearly akin to his own; high in favour with William III ever since he had laughed away the prejudice against Dutch favourites; trusted by the whigs, for whom he had asserted against a tory house of commons the ultimate authority of the people;¹ and yet soon to wreck his rising fortunes in the passionate discussion which raged round the occasional conformity of dissenters. From this wreck his relations with Harley directly began.

Defoe was a man of imperfect culture, who possessed much information but little real knowledge. He was ever swayed by an early nonconformist training; and his arguments on occasional conformity betrayed all the intolerance of aggressive, triumphant puritanism. To the dissenters who practised occasional conformity to qualify themselves for office he said, 'It is playing bopeep with the Almighty; it is damning one's soul to serve one's country: if the Lord be God, follow him; but if Baal, then follow

¹ See his tract *The Original Power of the People of England*. To speak more accurately, Defoe declared that a right of appeal always lay to the freeholders. All others lived in England by their sufferance. 'If the king,' he said, 'were universal landlord, he might be universal governor of right, and the people, so living on his lands, ought to obey him or else go off his premises. If any single man should at any time become landlord of the whole freehold of England, he could indeed have no right to dispossess the king till the present settlement of the crown failed, because it was settled by those who had a right to settle it. But he would be immediately the full representative of all the counties of England, and might elect himself knight of the shire for every county . . . and upon defect of the settlement would be king by natural right. He would be king by inherent right of property.'

him'—a rigid opinion, which allowed nothing for the hard conditions under which the dissenters then lived, and only alienated them and their friends the whigs. Yet, since William had died, Defoe might well have wished and almost expected their earnest support when, in 1702, his famous tract, 'The Shortest Way with the Dissenters,' daringly laid bare all the follies and wild threats by which the high churchmen, strong in parliament and ministry, were pressing forward a bill against occasional conformity. But both whigs and dissenters gladly left him to the pillory and the long imprisonment in Newgate, to which he was committed after he had lain some months in hiding.

Defoe bore himself both in hiding and in prison without constancy or sense of pride. He wrote most moving letters to the chiefs of the high church party; the quaker Penn pleaded for him; his wife endured insult for him;² and he himself besought a mercy that was sometimes extended to the most atrocious criminals, leave to purchase pardon by a year's service with the army in Flanders. The high churchmen met his weak entreaties with contempt, nor had he mercy to expect from them. But their power was now passing away; and Defoe with greater shrewdness soon turned to the man who rose by their decline. Robert Harley, with whom his long connexion thus began, was shifty, hesitating, and undecided, full of vague generalities, unable or afraid to express himself clearly, and wont to hide crooked designs behind contradictions and ambiguities.³ He had borne himself with credit in the speaker's chair; he professed moderate opinions; and, as he had so trimmed his conduct as to be yet approved by all parties, he was the man consulted by Marlborough and Godolphin when they could no longer work with the intractable high churchmen. Harley was one of the first English statesmen to understand the power of the press, and gladly endeavoured to secure so valuable an ally as Defoe. It does not seem that there had been any previous intercourse between the two men. Defoe's first appeal was not made direct to Harley, but through their common acquaintance

² She interviewed Nottingham in his behalf: '... a virtuous and excellent mother . . . who, when my lord Nottingham first insulted her, then tempted, scorned so much as to move me to comply with him, but rather encouraged me to resist him' (Defoe to Harley, May 1704, *Hist. MSS. Comm.*, 15th Report, app. iv. p. 88)—a curious story, since Nottingham was generally held to be very strait-laced.

³ Harley's correspondence confirms the accepted estimate of his character. He seems to have been afraid or unable to speak clearly even to himself. His explanation for the use of his son, how he and his family came to be entangled in public affairs, is vague and incoherent (see *Hist. MSS. Comm.*, 15th Rep. app. iv. p. 451). Defoe had frequent reason to complain of his hesitation and dilatoriness. 'I confess it afflicts me to see the day appear and myself unfurnished with the main thing, the very substance of all the rest, your instructions. Methinks I look like the Muscovite ambassador at Constantinople, who appeared as envoy and had everything ready but his orders' (Defoe to Harley, July 1704, *ubi supra*, p. 106).

William Paterson, the founder of the Bank of England. 'Gaal, pillories, and imprisonments,' he confessed, 'with which I have been much threatened of late, have convinced me that I lack passive courage, and I shall never for the future think myself injured if I am called a coward.'⁴ While Harley and Godolphin discussed ways of binding him to their service he received sufficient money to relieve his worst necessities, and began to talk of papers which he had prepared to publish on his enlargement. But he had still to wait the end of the long intrigue which preceded Harley's admission to the ministry, and the queen had still to be convinced that he had intended no harm against the church. This task was undertaken by Godolphin at Harley's request;⁵ and at last Defoe left Newgate in the spring of 1704, just about the time when Harley became secretary of state.⁶

Whatever shame Defoe might have felt at his imprisonment he quickly lost in seeking to rebuild his fortunes on this new connexion. Merely to uphold the ministry by voice and pen—the sole condition of his release—was a vague and uncertain service; and he constantly urged Harley to give him a regular appointment, either a branch of the auditor's office, 'matters of account having always been his particular element, and what he was most master of,' or else a place in the customs, where 'he might train up his son to be serviceable to his father's benefactor.'⁷ But not one of Defoe's numerous applications for an assured employment ever met with the least success. Like his friend Paterson he was never more than a hanger-on of the ministry, an occasional agent of small account. Always pushed aside by luckier men, always poorly paid, whether from Harley's private purse or from the exchequer, he could often only compel a recompense for dangerous toil by long and bitter complaint. He never found in Harley such a

⁴ Defoe to Paterson (April 1703), in a letter which was forwarded to Harley a month later. He also says, 'Nay, even the dissenters, like Casha [*sic*] to Caesar, lift up the first dagger against me. I confess it makes me reflect on the whole body of dissenters with something of contempt, and makes me the more regret that I suffer for such a people.' He alluded to Harley as follows: 'If you should find room for my name in your conversation with the gentleman I mentioned—I suppose I need not name him—if you find him inclined to have compassion for one who offended him only because he did not know him, venture in my name in the humblest terms to ask his pardon' (p. 61).

⁵ Godolphin to Harley, 26 Sept. 1703: 'I have found it proper to read some paragraphs of your letter to the queen. What you propose about Defoe may be done, when you will and how you will.' Again on 4 Nov. 1703: 'I have taken care in the matter of Defoe' (pp. 68 and 75).

⁶ There seems to be some confusion about the date of Defoe's release from prison. Mr. Leslie Stephen in his life of Defoe in the *Dict. of Nat. Biogr.*, following Mr. William Lee, says it was in August 1704, but the Harley papers show that he was free by May of that year. On 12 May 1704 he wrote to Harley, 'It is a particular misfortune to me that I had not the honour of seeing you last night, and 'tis the more so in that I received no orders when to give my further attendance' (p. 83).

⁷ See a letter probably written in May 1704 (p. 89).

friend as William III, but rather a crafty master and ally, whose doles to him scarcely covered the expenses of his labours,⁸ who would sometimes lighten his debts but never entirely relieve him, for fear that he should grow too independent.

Openly to assist the writer of 'The Shortest Way' would have been to offend high churchmen and dissenters alike, a thing no prudent minister dare attempt. For this reason, as well as in order to make Defoe's services the more effective, it was resolved that no hint of them should reach the world. Defoe from first to last was to seem an honest man walking severely by his own light and judging men by measures alone. It was a service consummately rendered—perhaps because Defoe, as was easy for a man so embarked in secret courses, soon persuaded himself that the policy which he urged was that which he really approved of, and believed that he was in fact, as he styled himself, a constant advocate of peace and moderation.⁹ He communicated with Harley by the most approved methods of secret intrigue. Letters were left in various addresses, under different names, and were often written in disguised hands.¹⁰ Messages were most carefully and mysteriously conveyed either by Defoe's brother or by trusty officers of the customs. Meetings were rare and were only held with special precautions. It is strange to find on one page of Harley's correspondence information against Defoe as the author of a seditious libel,¹¹ while almost on the next Defoe remarks, 'I knew the duty lay on me to conceal the favour I had of your conversation'¹²—a duty so well performed that the full story can never be made known. Yet suspicion was rife from the very first. Defoe himself heard an account of his intercourse with Harley told with such circumstance that he imagined the intelligence was *ab inferis* and that next morning he should receive full particulars of their private conversation.

His services were perhaps most thoroughly rendered in the *Review*, a periodical which Defoe had begun in Newgate, and his connexion with which has given him the not very happy title of the founder of English journalism. So far back as the Great Rebellion

⁸ From October to December 1706 Defoe received about 100*l.* from Harley, a small sum, considering that he had much expense in printing pamphlets and maintaining his own subordinate agents. He was then, of course, engaged upon the Scottish business. In 1707 he seems to have been left almost entirely without supply.

⁹ 'I am spreading principles of temper, moderation, and peace through countries where I go, and persuading all people that the government is resolved to abide by those rules' (Defoe to Harley, 28 Sept. 1704, on his first secret journey, p. 137).

¹⁰ Especially during Defoe's visit to Edinburgh, 1710-1.

¹¹ 'If Dan Foe be the supposed author of the libel titled *Legion's Address to the House of Lords*, you will find him at Captain Rogers at the city of Canterbury' (letter to Harley, 14 June 1704, p. 93).

¹² Defoe to Harley, 12 May 1704, p. 83.

there had been the *Mercurius Politicus* and its short-lived rivals, all perhaps imitated from the *Gazzette* of Venice; but Defoe had also models, less rude and imperfect, in the numerous productions of Sir Roger L'Estrange, his own rascally rival Tutchin, and others; and he as much surpassed them as they surpassed those earlier efforts. With its secret policy of upholding Harley, unfalteringly maintained for near ten years; its vigorous discussions of trade, politics, and finance; its letters of threat and approval, sent by interested readers, and from time to time inserted by Defoe; its columns of small talk, which became so popular that for a while they were issued in a separate supplement; and its puffs of foul quacks and enterprising merchants,¹³—the *Review* contained every essential part of the modern newspaper, whose progress from it is simply one of specialisation. Nor is the *Review* inferior to the best of its successors. Although every word of it was written by Defoe himself amid the distraction of other services; although it was badly printed on coarse rough paper, and produced so hastily that its spelling and punctuation are a very chaos of error, the *Review* is in style and argument the model of what a newspaper should be. 'It is to be wrote,' explained Defoe to Harley, 'not as if the objectors were such as to whom the style should be unsuitable;' ¹⁴ and certainly nothing could have more artfully commended Harley to the small tradesmen, whom Defoe had in mind, than its plain homeliness and simplicity of argument. How far they believed in its seeming independence might measure their credulity and his success.

I am no party man (he declares), I care not who are ministers; I am indifferent who is put out and who is put in; I am in everything, without disguise, a plain, blunt fellow who will speak the truth to you; and he that will speak the truth to an unheeding generation can never be called an hypocrite.

Such constant asseverations merely point to that degradation of character which sprang from his relations with Harley, and is the central feature of his life henceforth.

To himself Defoe more subtly glozed his degradation with the thought that he was simply preaching moderation and peace, simply stilling factious opposition to the ministry—a comprehensive task, which demanded other and larger means of service. Chief among these were the secret journeys which he undertook under false names at Harley's request. Wherever he went he noted

¹³ In particular Brooke and Helliard, wine merchants, who unsuccessfully tried to combine the wholesale and retail trade. They were also puffed by Steele.

¹⁴ 'I confess myself also something impatient to have it from yourself that I had explained the *Review* to your satisfaction, and that in reading it you have been pleased to note the caution I mentioned that it was to be wrote not as if the objectors were such as to whom the style should be unsuitable' (Defoe to Harley, 7 July 1704, p. 98).

opinion and combated prejudice against the ministry; and in every town he visited he strengthened or established a correspondence, by which Harley was kept fully informed as to the state of public feeling. His first journey of this kind took him through the eastern counties just before the election of 1704, and its purpose was probably to help in deciding Harley's conduct towards his colleagues.¹⁵ His second, begun shortly after the famous high-church tumult raised in Exeter by Francis Gwynn in the spring of 1705, was intended to break up the 'western empire' of Sir Edward Seymour; but, before it was finished, Defoe had traversed not only the west but also a great part of the north and midlands. He wrote frequently to Harley on the way, and his letters give a very lively idea of the general restlessness and violence of party spirit. He was well satisfied with his success, although he confessed that he could do nothing in Crediton, where the dissenters 'sat too easy;' nor yet in Dorset, where there reigned a most surprising harmony between all parties. At Weymouth his letters were opened and he had much ado to escape the high-church justices. At Salisbury the clergy had so inflamed the gentry that the whig bishop had no interest in his own town. Manchester, Warrington, Bolton, Rochdale, and Halifax were scarcely worth a visit, having no magistrate nor any officer but a constable. At Leeds, Sheffield, and Wakefield the people, being undisturbed by elections, lived more at peace with one another than in other parts. Nottingham was a violently divided town. At Leicester the contending parties were daily by the ears. At Lutterworth a high-church justice rode into the meeting-house, and told the preacher he lied. Daventry was notorious for an infamous parson, who swore himself a freeholder, whereas he was not the incumbent but the curate only. Everywhere the greatest foes to peace and union—that is, to the ministry of which Harley was a member—were the clergy and justices. Where the justices were moderate men the people sat quiet, but their conduct was in most parts intolerably scandalous,¹⁶ and Defoe therefore advised the removal of the most factious among them and prudent additions to the rest. His reports, showing the great strength of high-church feeling throughout the country, doubtless prevented Harley from entirely falling in with the triumphant whigs. But he had already warned Harley that he had caressed both parties so long that both felt themselves offended, adding most characteristically that the whigs might always be bought with here and

¹⁵ On this first journey he wrote from Bury St. Edmunds, 'Sir R. Davers, who rules this town, carries matters very high.' 'Norwich I have perfectly dissected.' Both the first and second journeys were made by Defoe under the name of Alexander Goldsmith.

¹⁶ Especially in 'Wilts, Lancashire, Nottingham, Leicester, Warwick, Northampton Suffolk, Essex, and Middlesex.'

there a place, and that if Somers could be brought into the ministry, no possible combination could overturn it.¹⁷

Some months after his return from this second mission, Defoe was complaining that he had been forgotten and that the correspondence which he had established by Harley's order was ruined for lack of money and assistants.¹⁸ An earlier proposal which he had made, for a central information office in London, seems to have come to nothing.¹⁹ He was already weary of waiting for an appointment, and now declared himself fitter for a pension or a private apartment in Whitehall. Meanwhile he begged for a few hundred pounds that he might compound with his most pressing creditors, and would gladly have escaped them by undertaking another secret journey. It was probably with this idea that he sent to Harley the manuscript of a pamphlet which had been put into his hands, and in which an attempt was made to excite the English dissenters against the union with Scotland.²⁰ In any case

¹⁷ 'The children of light were always darker in temporals than the rest of their neighbours, and we are willing to be fools to please our fancies, though to the destruction of our judgments; but above all they (the whigs) are the most implacable in censure, and they cannot believe Mr. H— true to the moderate interest, because they once thought him otherwise; but the principal reason, I find, because they saw themselves in the case of the disciples, who were disappointed when they found our Lord did not restore the temporal kingdom of Israel; or like the mother of Zebedee's children, who looked to have them all be lord chancellors and lord treasurers, and the one to sit on the right hand and the other on the left, and was angry our Lord did not grant it, though he declared it was none of his to give. . . . Besides, both sides are against him (Harley); he has trimmed so long on both sides and caressed both parties till both begin to see themselves ill-treated. All the whigs of King William's reign expected to have come in play again and had fair words given them, but they see it was but wording them into a fool's paradise: and now the two ends will be reconciled to overturn the middle way. If he is out of the chair, they will soon work him out of the seals. . . . Sir, the whigs are weak; they may be managed and always have been so. Whatever you do, if possible divide them, and they are easy to be divided. Caress the fools of them most, there are enough of them. Buy them with here and there a place. It may be well bestowed. If you have him not already, as all I can talk to that are friends wish you had, my Lord Somers, whom all allow to be a great man, must, if from them, weaken and distract all the party. Such a man cannot be bought too dear, and, if gained, would entirely secure your interest.' Defoe to Harley, 2 Nov. 1704, p. 146: an interesting criticism of the whigs and a good example of Defoe's fondness for scriptural illustration. It is curious to note that in this letter he proposed the bringing in of an occasional bill to break up the confederacy against Harley: 'T'would blacken and expose the party, yours are sure of giving it a toss at last. . . . To bring it in by trusty hands, and blast it at last, would confound the thing itself, ruin the confederacy, brand the party with the scandal of opposing the queen and breaking their promise in the address.'

¹⁸ Defoe to Harley, 6 May 1706, p. 300.

¹⁹ 'I had a design to propose your settling a private office for the discussing matters of this nature, so directed as neither in general to be suspected what it should act, and yet be as publicly known as any other. That in this office, openly, and without the help of Mr. St. John's back stairs, a correspondence may be effectually settled with every part of England, and all the world beside, and yet the very clerks not know what they are a-doing' (Defoe to Harley, July 1704, p. 106).

²⁰ 'There is a letter or manuscript . . . brought . . . to be printed here. 'Tis unhappily written, and full of mischief against the union, but particularly addressed

he was soon on his way to Scotland, on the most instructive of all his missions, as one of an army of secret agents who assisted the commission of union then sitting in Edinburgh.

Of Defoe's artifice in Scotland—how he feigned to have fled from England for debt, how he paraded his wish to write the history of the union, how he projected a new version of the psalms, in these and similar ways amusing the world—there is no need to speak at length.²¹ Such means were indispensable among a nation so maddened and so fearful of the union as the Scotch. But the work itself was more than mere electioneering or secret probing of opinion, thus far the sum of his employment. It is not to be measured by persuasive pamphlets or successful disputes with powerful presbyterian ministers, who thought the union a *sinful breach* of the National Covenant; nor yet by assiduous attendance on the royal commission, nor by dangerous journeys among the gloomy Cameronians or the barbarous highlanders, both ready to revolt—all of which, though performed at utmost risk of life, were but the accidents of his degrading compact. Its worth is more truly seen in his unwearied attempts to explain and justify the Scottish demands, and his anxiety that the English government

to the dissenters' (Defoe to Harley, 23 Aug. 1706, p. 323). Defoe started for Scotland on 13 Sept. On that day he wrote to Harley, 'Just taking horse' (p. 328).

²¹ (a) 'To-day I am going into partnership with a member of parliament in a glass-house; to-morrow with another in a salt-work; with the Glasgow mutineers I am to be a fish-merchant, with the Aberdeen men a woollen, and with the Perth and Western men a linen manufacturer; and still at the end of all the union is the essential, and I am all to every one that I may gain some' (Defoe to Harley, 26 Nov. 1706, p. 358).

(b) 'Now, I give out, I am going to write the history of the union in folio, and have got warrants to search the registers and parliament books, and have begun a subscription for it. I tell them it will cost me a year's time to write it. Then I treat with the commission to make them a new version of the Psalms, and that I'll lock myself in the college two years for the performance' (Defoe to Harley, 27 Jan. 1707, p. 385).

(c) 'Here is a church dispute started in private by some ministers to me, for they take me to be their friend, and I am so, more to their interest than their management; but it is serious and considerable, and I entreat your private judgment for my government, for a committee of the assembly are to meet privately upon it. Their request is honest, and if I can have a favourable answer to it, they will depend much on it, and it will reconcile a great many to the union; and they believe I have interest enough in England to lay it before the queen, and before such great people (they do not guess who) as may be of service to them. If the union goes on, they say, the queen is declared queen of Great Britain, the coronation oath is altered, and the subjects must renew their oath. If the oath is imposed on us ministers, half of us will be turned out of our livings, if we cannot swear to a queen of Great Britain as on the union, for that is swearing to an episcopal magistracy and the union' (Defoe to Harley, 16 Dec. 1706, p. 368).

(d) 'Defoe's letter is serious and deserves reflection. I believe it is true and ought to guide us very much in what we are doing here' (Godolphin to Harley, 16 Jan. 1707, p. 382). Defoe had continued to press the subject.

(e) 'It gives a great distaste here that the officers of the excise are obliged to gauge on the Sabbath day' (Defoe to Harley, 19 July 1707, p. 427).

should make every possible concession to secure the union. It was thus a sincere work, a glimpse of the real man, himself aiding the design that he approved, and here at least needing no specious arguments of self-consolation; and it connects with the earlier and better days when with heartfelt words he had urged a closer political union between England and Ireland. And yet it was not wholly real or wholly sincere. He was still striving as much for place as for the union; he had often pressed his claims upon Harley and Godolphin, and bitterly complained of their neglect; but while other men, who had done less and dared less for the great enterprise, were satisfied, he only received such an offer as he declined, preferring his present precarious service. At the last he was left in Scotland without maintenance or orders to return, and wrote dejectedly to Harley:

I had the honour to come hither in a figure suitable to your design . . . if you were to see me now, entertained of courtesy, without subsistence, almost grown shabby in clothes, dejected, and what I care not to mention, you would be pleased to hasten to my relief in a manner suitable to that regard you were always pleased to show for me.²²

He was soon after this enabled to come back to England, but with such an experience he might almost tire of his constant task, of using the *Review* to advocate the war which the ministry of Harley, Godolphin, and Marlborough was carrying on amid factious opposition from the high-church Tories.

And yet—so bent was he on thus rebuilding his fortunes—Defoe paid this wretched service through every change of ministry and fluctuation of party. His friend and patron Harley might fall awhile from power; but this only drew from him formal terms of indignation and wary proffers of future service.²³ Meantime he attached himself to Godolphin, for whom he went another journey into Scotland; and though his complaints were deep and constant as before, the Whig ministry, which Godolphin led after Harley's exclusion, had no more loyal agent than Defoe, and the war no stouter champion than the *Review*. But when affairs became again uncertain and Sacheverell raised a storm against the Whigs, Defoe resumed his correspondence with

²² Defoe to Harley, 11 Sept. 1707, p. 444.

²³ 'I think verily you are delivered from a fatigue which never answered the harassing you in such a manner, and the wasting your hours in the service of those that understand not how to value or reward in proportion to merit. . . . I persuade myself you are delivered from a tottering party that you may not share in their fall. . . . I entreat you to use me in anything in which I may serve you' (Defoe to Harley, 10 Feb. 1707, p. 477). Harley had for some time been anticipating his dismissal. 'I have set up my rest, and therefore it is not in their power to disappoint me. I count upon all that impotent malice, inveterate spleen can do by misrepresentation and notorious forgeries to do me hurt. . . . If God spares me life, I think I shall be able to pull off the mask from the real atheists and pretended patriots' (Harley to Defoe, 12 June 1707, p. 418).

Harley; and when Godolphin's power hung in doubt, he expectantly wove dull allegories on public credit in the *Review*, or bemoaned the violence of party strife; till at the last, by the strangest chance of all, he found himself ranged on the side of a new high-flying administration in which Harley held the supreme position. But of this ministry, which advocated every principle that Defoe had yet opposed, which would have undone the revolution and enthroned the Pretender, which ended the war that William had begun and renewed the excesses that the 'Shortest Way' had once decried; of this unhappy ministry, torn first by secret, then by open strife among its chiefs, Defoe rather assisted the fall than raised the credit. Harley, whose sole interest he served, now as ever moved darkly and alone; kept his counsel hid from all; temporised with the court of Hanover, while his colleagues were hot for the Pretender; made approaches to the leaders of the whigs,²⁴ while they discussed imprisonments and impeachments; and, though this failed and he was forced to rely on tory help, retained to the end some vague idea of uniting under him the moderate men of all parties.

While, then, Swift was writing against the whigs, Defoe, at Harley's instigation, strove to reconcile them to the new turn of affairs.²⁵ The *Review* declared that men might have been changed but not measures; that the management was still the same and must be so of necessity; that the new ministry as well as the old had come in 'upon the foot of the revolution,' and must maintain revolution principles; that they dared not, for their own sakes, support the Pretender, whose first act, if he became king,

²⁴ Harley was urged to come to an accommodation with Marlborough by his correspondent at Amsterdam, John Drummond. 'I am confident you would strengthen your party more by gaining that one man than by any other thing imaginable, and I believe he is sensible of the intolerable measures which others urged him to go into. . . . I believe he would abandon his old friend so as never to desire to have him in play again. . . . Well do I know all his vices . . . yet his success in the field, his capacity or rather dexterity in council or in the cabinet, and his personal acquaintance with the heads of the alliance, and the faith they have in him, make him still the great man among them' (Drummond to Harley, 1 Nov. 1710, p. 619). But Harley's overtures were rejected. 'A great duke, a friend of mine . . . pressed Lord Treasurer to send to the duke and that all matters might be adjusted. Presently after another duke, a relation of my own, pressed it more earnestly. . . . 10 Aug. last the Commission of the Treasury passed, Lord Poulett wrote to the duke that very post; I desired an addition to the letter to make my compliments and to desire leave to write. The following week this was repeated again by Lord Poulett at my desire, and was absolutely rejected by his letter in answer' (Harley to Drummond, 7 Nov. 1710, p. 623).

²⁵ 'I can assure you by experience, I find, that acquainting some people they are not all to be eaten and devoured up will have all the effect on them could be wished; assuring them moderate counsels are at the bottom of all these things; that the old mad party are not coming in; that his Grace the Duke of S(hrewsbury) and yourself, etc. are at the head of the management; and that neither have been moved, however ill-treated, to forsake the principles you have always owned, that toleration, succession, or union are not struck at' (Defoe to Harley, 28 July 1710, p. 552).

would be to supplant them by tried friends of his own ; that, though they might begin as tories, the ministers of a revolution queen must become whigs in policy, if not in conviction. What, he asked, had been the action of the October club, that furious band of tory squires who loved the Pretender only next to their own October ale? Had they not expected a general proscription of the whigs? Had they not come to parliament full of fiery zeal against the revolution? Had they not embarrassed the ministry by the wildness of their support and the folly of their demands? And had they not soon discovered that they were but tools, that there was no change of policy, and that the whole scheme amounted only to putting out and putting in? Had they not then opposed the ministry as fiercely as the most factious whigs of them all? And had not many wise whigs, who had seen all this, grown easy in themselves and helped to calm the fears of others? ²⁶

A policy of this sort, unsuited to such a passionate time, almost justified Bolingbroke's subsequent complaint that his colleague Harley might gain but could not use power. Defoe's surprising argument ineffectually strove to cover up the subtle change in the politics of the *Review* itself. Some now said that he received a thousand pounds in a single year from Harley; many believed that he was preferred even to Swift. The whigs concentrated on him a most passionate malignity. Whig merchants would not trade with him, nor whig seamen carry his goods. A whig magistrate refused him common justice. His house was beset by gangs of hired ruffians. He imagined that his life was daily endangered. He had written several pamphlets on the vexed question of the succession, and, as was not unusual with him, had prefixed ironical titles ²⁷ to them which might perhaps convey a momentary impression that they were designed in the interest of the Pretender. The titles gave the whigs a pretext to prosecute him before the court of queen's bench, and even brought about his imprisonment; but he was soon released by the interference of the ministry.

His appeal to the whigs was varied and enforced by every art that Defoe could wield. In the early days of the ministry, while their policy was still uncertain, he had declared:

If the Grand Seigneur's Mufty were to come hither and be prime minister; if the four Indian savages we called kings were to be com-

²⁶ From the *Secret History of the October Club*, a pamphlet written by Defoe to cajole the moderate whigs. The October men were afterwards reconciled to the ministry by Swift.

²⁷ (a) *Reasons against the Succession of the House of Hanover.*
 (b) *What if the Pretender should come? or some considerations of the advantages and real consequences of the Pretender's possessing the crown of Britain.*
Answer to a Question that nobody thinks of—What if the Queen should die?

missioners : yet, if these applied themselves diligently and faithfully to carry on the war, support the confederacy, and defend us against the Pretender, God forbid any whig should be found that would not join with them because he did not like the men. No, no, gentlemen, the nation must not be given up to France, the Jacobites must not have their ends of us so. . . . The whigs have as great a share in the public vessel, the government, as anybody ; they are embarked in the same ship with you all ; tho' the managing the helm is taken from them, and they are not pleased, yet shall they refuse to hand the sails and work the pumps ? The ship must be sailed, the voyage must be performed, or else all is lost ; when she springs a leak, every man's life is in equal danger ; the sea, if it comes in, will drown all alike ; shall any say to the commander, You took me from the steerage, or me from the great cabin, and have turned me among the common sailors ; and therefore, sink or swim, I'll not pump ? ²⁸

When the whigs thought to weaken the ministry by withdrawing their money from the public funds, Defoe showed them that they were only enriching the tories, who were eager enough to buy, and ruining the strength of the nation, which was entirely bound up with its credit. He reminded them that they, the moneyed party, were at least as much in need of funds as the government of loans ; and projected, if he did not actually write, an essay to prove that the government could do more easily without the whig bank than the bank without the government.²⁹ Ever since his first journeys at Harley's request, he had maintained a general correspondence with all parts of the country ; and on his receiving ill news about Harley's affairs from Scotland, he hastened to Edinburgh to watch events and to stop the mischief which, under colour of a religious dispute, was there working against the union.³⁰

When Godolphin was in power, Defoe had been a most unswerving advocate of war ; but now, when Harley declared for peace, his thoughts took a similar turn, and he gave them shape in such a way as least to commit himself and offend his readers. The *Review* first merely noted the burden which the war was casting on English commerce. Then it asked how long the danger and expense would last, and recorded lost opportunities of making peace. It began to hint that the war was now carried on to gratify a few particular interests. It spoke much of the barbarities of warfare,

²⁸ From the *Review*.

²⁹ ' I am vain of saying the first step I took has been successful, and has done more service than I expected, in which the town does me too much honour in supposing it well enough done to be your own. I mean the essay upon credit. If you think it proper, I would offer another piece of the same kind, which I would call an essay upon loans ; in which I think it may be of service to take a certain people off a certain notion they have that they can bring the government to do what they please by refusing to advance their money. . . . After this I would offer an essay upon banks, in which I would attempt to bring those men of paper to know themselves a little ' (Defoe to Harley, 5 Sept. 1710, p. 584).

³⁰ He travelled under the name of Claude Guilot.

pointing to the recent savage examples of Sweden and Russia. It observed that all men desired a good peace, and that the difficulties were merely those of definition ; and at last came forward with the proposition :

We are not in such a necessity of peace as to be obliged to stoop to dishonourable terms ; but if honourable conditions may be had, though it may not be all that we may have expected, we ought to consider whether or no we should accept it.

This was a subtle and disingenuous departure from his former attitude ; and yet it must be admitted that Defoe was only reviving the policy of his old master, William III. If William had lived, he said, this bone of contention, the Spanish monarchy, would long ago have been broken up so as never more to disturb the peace of Europe : and he therefore now proposed that those parts of it should be given to Austria which were most dependent on France, and those parts to France which were most dependent on England and Holland. He declared that William had always stood by the partition treaty and had regarded it as a fair and prudent arrangement, and that, though he desired to humiliate the power of France, he would not, like Marlborough, have abandoned negotiations for want of an answer in writing. Those, he said, who still favoured war, now that the English candidate was emperor, were simply trying to revive the days of Charles V, and replace French by Austrian exorbitance. With the peace that was made he safely and prudently declared himself dissatisfied, confessing that more might have been obtained from France, and yet still urging moderate men to support the ministry by whom that peace was wrought.³¹

The *Review* for some time longer confronted a gibing and contemptuous audience ; but before considering its last stormy days it will be best to await the further evidence of letters which are promised in a forthcoming report of the Historical Manuscripts Commission. It is unlikely that these will alter present estimates of Defoe and Harley, but they should help to disentangle a most perplexed period in the lives of both ; and in particular they should show with what excuses Defoe finally abandoned Harley for the whigs, and under what circumstances he composed that persuasive defence of Harley which is known as the 'Secret History of the White Staff.'³²

THOMAS BATESON.

³¹ *The Review*, *passim*, from 1711 to 1713.

³² This article owes much to Mr. J. J. Cartwright, who, taking up the task that ill-health compelled Mr. Richard Ward to abandon, has ably calendared the Harley papers from 1700 to 1711 ; much too to Mr. William Lee, whose laborious investigations first revealed the true Defoe to us, but he rather suspected than understood Defoe's secret dealings with Harley.

*The Foreign Policy of England under Walpole*¹

WHEN Walpole was carried into power in March 1721 by the wave of popular feeling aroused by the South Sea scandals, he found Europe on the eve of the congress of Cambray, which was to settle the questions still left outstanding—in spite of the treaty of Utrecht. The foreign policy of England was laid down on clearly defined lines by the treaties and engagements to which previous ministers had made her a party. The ancient alliance with the emperor was at an end, and its place had been taken by the close friendship with France formed by Stanhope and Dubois in 1717. This friendship had only been drawn closer in 1718 by the quadruple alliance formed between England, France, Holland, and the emperor, to restrain the extravagant pretensions of Spain; and when the first objects of this alliance had been obtained by Spain's accession to it in Jan. 1720, England and France again parted company with the emperor, and began a separate negotiation with Spain. This resulted in a treaty, which was signed a few months after Walpole became prime minister, by the terms of which English commerce with Spain regained all the privileges which it had lost during the short war of 1718–1719; and England and France agreed to support the Spanish pretensions at the congress shortly to meet at Cambray.

During the first ten years of Walpole's administration the attention of Europe was almost entirely centred on the changing relations between the emperor and the king of Spain. These two monarchs, whose rival claims to the Spanish inheritance had been the original cause of the long war of the Spanish succession, were those most dissatisfied with the result of the treaty of Utrecht. The other powers concerned were content to abide by its provisions, England because she had found all she wanted in the commercial supremacy thereby secured to her, France because she had satisfied her honour by placing a Bourbon on the Spanish throne and was too exhausted to seek any further quarrels, and Holland because her political dependence on England made her

¹ Owing to the author's absence abroad this article has not enjoyed the advantage of his revision in type.—Ed. *E. H. R.*

obliged to take the best terms she could get. But the emperor and Philip V were neither of them of a temper to accept the inevitable and make the best of a compromise. The emperor among the thirty-eight and odd titles which he paraded refused to give up that of king of Spain, while Philip would not omit from his almost equally long list such dignities as *archidux Austriae, dux Burgundiae, Brabantiae, et Mediolani, comes Habsburgi, Flandriae, Tyrolis*, which belonged as specially to the house of Austria. There were also certain trifling questions in dispute to which the two monarchs attached a vast and unmerited importance, such as the grand mastership of the golden fleece, the right of creating grandees of Spain, and the possession of certain palaces in Rome. But besides these puerile questions there were some fundamental articles of policy which not only affected the relations of the two monarchies to one another, but also interested the other powers of Europe.

The emperor Charles VI had as the archduke Charles been the candidate of the maritime powers for the throne of Spain, but his succession to the Empire on the death of his brother Joseph in 1711 had made any serious maintenance of his claims no longer possible. Yet his share of the obstinacy and haughtiness of the Hapsburgs was such that he not only refused to give up his Spanish titles, but persisted in holding a Spanish council of Spanish advisers, headed by the marquis de Rialp, and in creating grandees and giving away the golden fleece as if he were still in actual possession of the Spanish monarchy: and even apart from his claims on Spain he seems to have forgotten that the emperor was no longer, what he had once been, the most important in power as well as in dignity of all the monarchs of the world, and he spoke and tried to act on all occasions as if he still were. He would interfere in the affairs of Germany in a way which was deeply resented by princes so nearly his equals in power as the elector of Hanover or the king of Prussia, and even the smaller electors were stirred to negotiations against his unconstitutional interference in the affairs of Mecklenburg. Such conduct was all the more ridiculous in a monarch who without extraordinary exertions could not command more than about 65,000 men to defend his widely extended possessions, while the king of Prussia alone could put 70,000 men into the field. The very language of his chancery seemed an echo of the days when the emperor laid down the law to kings,² and its intolerable delays were more calculated for the times when the rest of the world was content to wait patiently till the emperor's good pleasure should be made known.

It must be admitted that Charles VI had a position of almost insuperable difficulty to maintain. The treaty of Utrecht assigned to him a collection of states which it would have taxed

² For examples see Add. MSS. (Brit. Mus.) 32746, f. 26, 32785, f. 256.

the resources of a Napoleon to keep in hand. Besides his hereditary dominions of Austria, the Tyrol, Silesia, Transylvania, and Bohemia, as well as Hungary, he was given the Low Countries, which had belonged to Spain, burdened with the right of the Dutch to garrison the barrier fortresses against France; in Italy the Milanese and Naples were allotted to him, while Sicily, which had always gone with Naples, was given to the duke of Savoy, and Sardinia left to him. Naples hated the German rule and was always ready to welcome the return of the Spaniards, while the ease with which Sardinia was overrun by the Spanish troops in 1717 showed how loose was the imperial hold on it. And over and above all the dangers to which Charles's territories were liable from his usual rivals in Europe he had in the Turks a formidable enemy at his door by whom none of the other great powers of Europe were troubled. Early in his reign he had a great war with them, and in one respect it was rather unfortunate for Charles that his overwhelming victory over them and the security given him by the treaty of Passarowitz in 1718 relieved him for some years from any apprehension from that quarter; for instead of strengthening his position he employed his leisure in undertaking wild schemes which, from the inconsiderateness with which they were planned, were from the beginning doomed to failure.

Among these schemes was one which deserved a better fate than it met with. By the treaty of Utrecht it had been stipulated that the Spanish Low Countries should fall to Charles's share, but at the same time that their inhabitants should lose their rights, which they had enjoyed as Spanish subjects, of sharing in the lucrative commerce with the West Indies. Charles in a dull unintelligent manner was, like all the Hapsburgs, careful of what he considered the interests of his subjects; and besides the loss of revenue to himself he felt very deeply the damage which had been done to the Belgians by their transference to his sway. To remedy this defect, and to procure an outlet for Belgian commerce, he licensed in 1722 a company at Ostend, with power to trade with the West Indies; but this immediately brought him into difficulties with England and Holland, who objected to so gross a violation of treaties, and it became one of the determining causes for his signing the treaty of Vienna. Although this attempt did honour to his heart it did less to his head, as he might have foreseen the futility of entering into a commercial competition with England and Holland when he had hardly a ship of war to put to sea against their overwhelming fleets.

However, besides the maintenance of his own dignity and the pursuit of more or less visionary schemes for the benefit of his subjects, which recall his better known grandson Joseph II, he had one object of policy of very real importance which he kept steadily

in view from the beginning of his reign till his dying day. This was the maintenance of his territories intact for his successor. It is unnecessary to labour the point that the emperor's dominions differed from those of any other ruler in being strictly personal possessions of the emperor, and having no real homogeneity to one another. The emperor, as emperor, had no possessions at all, but as king of Hungary he had some, as count of Hapsburg he had others, and so on. The emperor's outlying possessions were for this reason particularly easy to take away from or to add to, as circumstances might arise; there was no national feeling of any sort holding together the emperor's Italian possessions, for example, with the Low Countries or with Transylvania; there was no reason why he should have Naples and not Sicily, or Sicily and not Sardinia. Austria proper and Hungary, it is true, were on a different footing from the other dominions; they were bound together by long association with the Hapsburgs, and a common danger in the Turks cemented their union; yet even Hungary contained elements of turbulence which might at any time be dangerous. The emperors, therefore, and the imperial chancery became a sort of elaborate governing machine: some of the wheels and levers of the machine were apt to creak and jib, as the machine was of an antiquated pattern, but it went on grinding out its government regardless of the peoples or territories governed.

One consequence of this anomalous condition of affairs was that the emperors were almost forced to be constantly expending a vast amount of energy in chopping and changing their dominions in adding to them or in trying to round them off, long after most of the other powers of Europe had ascertained their natural boundaries, and could act on the basis of a well-defined territory and fairly constant national resources. The present emperor was in this respect in a particularly difficult position, as there were no direct male heirs left to the Hapsburg succession after his death. It was difficult enough to keep the various Hapsburg possessions together when there was an emperor to defend them; but with a woman who could not be empress, except by marriage, it seemed even more hopeless to keep the Hapsburg succession intact. However the grand object of Charles VI was to attempt the impossible. When he had been on the throne but two years he promulgated the pragmatic sanction on 19 April 1713, by which the succession to all the dominions he held was to devolve first on any sons he might have, then on his daughters, and then on the daughters of his brother Joseph. The futility of expecting great weight to attach to any such document might have been foreseen from the very first, as in promulgating it Charles actually violated the arrangement made by his brother Joseph, who had directed that his daughters were to succeed before Charles's. However Charles thought to make every-

thing secure by the gigantic undertaking of obtaining the adhesion of all the powers of Europe to this sanction; he spent the rest of his life in obtaining them, and he succeeded in almost every case. From Spain he obtained it by the treaty of Vienna of April 1725, from Russia by the treaty of 6 Aug. 1726, from Prussia by the treaty of 23 Dec. 1728, from England by the treaty of 16 March 1731, from the Empire on 3 Feb. 1732, from Holland on 20 Feb. 1732, from Denmark on 27 May 1732, and even from France by the treaty of Vienna of 1738.³ For every one of these adhesions the emperor had to pay something at the time, and directly he was dead they were all so much waste paper. However this is an anticipation of events, as Charles VI had nearly twenty years more to reign before Maria Theresa succeeded him as queen of Hungary; the important point, perceived as early as 1722 by the French minister Dubois,⁴ is that his anxiety to guarantee the integrity of his dominions for her was always a weak spot in his armour, on which his adversaries could count in the give and take of negotiations.

Spain, the other power discontented with the treaty of Utrecht, had just reached that critical period of decadence when it was a question whether she should sink irretrievably or by a sustained effort regain that importance among the nations which she and they to some extent were hardly conscious that she had lost. Reduced to political impotence by the incapacity of the last Hapsburg kings, she had for thirteen years been distracted by the war of the Spanish succession. When at last Philip was firmly seated on the throne, Spain had gained rather than lost by the reduction in the extent of her territories. The loss of Gibraltar, it is true, was one which she naturally felt keenly, and was a serious blow to her power; but by the loss of her possessions in Italy and Flanders the policy of the country was considerably simplified, as there were no longer any external possessions to distract her attention except her lucrative colonies in the New World and the Philippines. Though terribly impoverished by bad government, the wealth she derived from the West Indian colonies alone was still so considerable that she was able to pay the emperor 3,000,000 florins in 1726, in accordance with the secret treaty of Vienna,⁵ while the successful attempts of Alberoni, and later of Patiño, to restore the fleet and to revive Spanish industries showed that persistence was the one thing needed to give fresh life to the torpid nation. But continuity was just the one thing which seemed to have become impossible in Spanish politics, and it was rendered more so by the character of the king and queen.

³ See Oncken, *Das Zeitalter Friedrichs des Grossen*, i. 180 sqq.

⁴ Baudrillart, *Philippe V et la Cour de France*, ii. 517.

⁵ Syveton, *Une Cour et un Aventurier au 18me Siècle; le Baron de Ripperda*, p. 236.

Philip V, the grandson of Louis XIV and uncle of Louis XV, was a typical Bourbon. In the war of the Spanish succession he displayed considerable personal bravery, and he stuck to his cause with some obstinacy. But there his good qualities seem to have ended. His pride, which was excessive, took the form of an obstinate intractability in trifles, which blinded him to the real issues with which he had to deal. His love of France, which was perhaps his most genuine feeling, prompted him on several occasions to waste his energies in trying to secure the succession to a throne which never fell vacant and which he had solemnly sworn to renounce; while his religion was merely the mask for an intensely selfish preoccupation for his own salvation. His passion for his wife was not, as Keene expressed it, for the queen as a person, but only as a woman, and her ascendancy over him, while purely physical in its origin, became confirmed by habit. His conscience, as might be expected from a man of this nature, was exceptionally sensitive, and it rendered him subject to violent fits of religious melancholia. As a result of this form of lunacy he abdicated the throne in Feb. 1724, and retired with his wife to San Ildefonso, where he proposed devoting the remainder of his days to the care of his own soul; but on the death of his son, six months later, he allowed his religious scruples against breaking his oath of abdication to be overcome by his desire of resuming royalty. However for a long time afterwards he was harassed by the most distressing doubts as to the propriety of his conduct in returning to the throne; and his apprehensions of having lost his soul by this action led him to make various attempts to abdicate again, which were sometimes only frustrated by the queen's vigilance in depriving him of pen and paper. On one occasion he eluded her, and had actually signed an act of abdication, and the queen only stopped its taking effect by innocently asking to see the paper and then tearing it up before his face.⁶ Sometimes his lunacy took the form of staying in bed for weeks together, and Keene's letters describe, with many disgusting details, how his natural gluttony would then assert itself, and he would do nothing but eat prodigiously all the time, with the occasional use of emetics or other medicines to save himself from absolute suffocation, while he refused to change his shirt or wash and trim his nails and beard. Meanwhile the business of the country might be left at a standstill, for he would often become very violent and beat his wife and his ministers if they tried to interfere in affairs of state.⁷ Later in life he became subject to frightful fits of howling, and the only thing that would keep him quiet was the singing of Farinelli, from whom he heard the same five tunes every evening for a twelvemonth; and even then he would sometimes try to imitate

⁶ Add. MS. 32756, f. 181.

⁷ Public Record Office, Spain (Keene to the duke of Newcastle, 31 Oct. 1732).

him, 'throwing himself into such freaks and howlings that all possible means were taken to prevent people from being witness to his follies.'⁸ Even when he was comparatively sane his hours must have made the orderly conduct of business difficult; for Keene tells how he went to bed from 5 P.M. to 8 P.M., breakfasted at 8 P.M., transacted business with his ministers from 10 to 11 P.M., dined at midnight, then 'read and drew landskips,' fished with an angle in the garden from 5 to 6 A.M., slept in a chair from 6 A.M. till noon, and then heard mass before supper.⁹

His second wife, Elizabeth Farnese, was procured for him by the *princesse des Ursins*, chiefly because she was expected to show docility; but, as is not uncommon in such cases, the docile maiden proved to be an exceedingly masterful wife, whose first action was to banish the favourite to whom she owed her elevation. She was a woman of great determination of character, not devoid of feminine tact, and she was very successful in managing her husband, partly by a show of submission and partly by a judicious economy of her favours. She finally confirmed her power over him by agreeing to share his retirement at San Ildefonso, and from that time she became indispensable. When he was ill she would watch him like a child and prevent anybody coming near him, and when he was comparatively sane she accustomed him, while appearing to have the final word, to depend on herself for advice. Various ambassadors to this court describe in their accounts of interviews with their Spanish majesties how the queen would always affect to remain silent at first, or even step out of hearing till pointedly requested to return, and after showing the greatest deference to the king's opinion would in the end be required by him to give his answer for him, as she knew his mind.

It would have been an incalculable benefit for Spain if the queen had had the real national interests at heart, for she had the force and the ability to carry through what she had set her mind on. It was the obvious interest of Spain, after the final establishment of the Bourbons on the throne, to enter into the closest alliance with France. Her finances were exhausted, and what she needed above all things was the development of her commerce, her fleet, and her wealthy colonies in America. France alone could have effectually helped her in these objects, for France had the capital and the commercial enterprise which she needed, and was not eager, as England was, to kill Spanish trade in promoting her own. But unfortunately the queen had views of foreign policy quite incompatible with any improvement of the country's resources, or with a steady alliance with France or any power. Soon after her arrival in Spain she realised that her position and influence there depended on the king's life, as she was never popular with the Spanish nation,

* Add. MS. 32798, f. 256.

* *Ibid.* 32773, f. 446.

and Philip's successor would be the son of a former wife. So she made it the one business of her life to find kingdoms for her own sons, where she could find a refuge in her widowhood. She had no difficulty in deciding where the kingdoms were to be. The direct male lines of the states of Parma and of Tuscany were drawing to an end. In Parma the reigning duke, Francis Farnese, had an only brother, Anthony, whose prospects of posterity were slight, and a daughter, Elizabeth, the queen of Spain; while the grand duke of Tuscany, Cosimo III, had an only son, John Gaston, who also was unlikely to have children: the two next heirs were his sister, the widow of the elector palatine, and the same Elizabeth Farnese, a distant connexion of the house of Medici. In laying claim to the succession of these two states for her son Don Carlos, the queen soon saw the opening that she wanted, and it happened very aptly to her purpose that the loss of all the Spanish possessions in Italy by the treaty of Utrecht was keenly felt in Spain, so that she could put forward her scheme for the aggrandisement of her family as containing an element of satisfaction for Spanish pride.

The pursuit of such schemes was, however, bound to aggravate the differences between Spain and the emperor, for Charles's tenure of his own Italian possessions was so insecure that he regarded with the utmost jealousy the neighbourhood of any such powerful state as Spain. It was to his interest to maintain in a condition of insignificance such states as Parma and Tuscany, and it is for that reason that he developed a sudden solicitude for the restoration of a republican form of government to the latter state on the extinction of the Medici line. He obstinately opposed Don Carlos's succession to the two duchies, and when he had been once forced to accept it in principle he threw every obstacle suggested to him by the fruitful resources for chicanery at the disposal of the imperial chancery in the way of its accomplishment. It was, however, with France, and especially with England, that this policy did most harm to Spain, as it enabled those powers to sell their support to Spain, in a matter which was really of indifference to them, for valuable concessions in matters of far greater importance to both parties. Such a policy was obviously not to the real interest of Spain, whose business it should have been to develop her resources and devote herself to her commerce and her colonies. The king in his blind way saw this to some extent, and the queen found that to pass muster with him her schemes must contain something more obviously Spanish than a provision for Don Carlos's establishment in Italy, so that the recovery of Gibraltar from the English, or the emancipation of Spanish commerce from the trammels of English treaty privileges by which it was bound, or even the union of all Charles V's Spanish and German dominions under a son of Philip's, was thrown in as a bait to her weak-minded

husband. But though the first two questions were always present to the minds of Spanish statesmen in their dealings with England, the queen, who was the moving force in Spanish politics, cared little for them, and during the first ten years, at any rate, of Walpole's administration, until she saw Don Carlos securely established in Italy, a provision for her sons was the one guiding motive of her policy. In her eagerness to secure this object she had lately, by premature action, ruined the grandiose schemes of Alberoni for the gradual recuperation of Spain, and later she lent herself to the unsubstantial projects of Ripperda for a delusive alliance with the emperor.

France, like England, was resting from her exertions in the late war, and the two countries, which had so long been enemies, were now joined in the closest bonds of friendship. In the triple alliance of January 1717 England, France, and Holland had agreed, among other things, that one ally should not give asylum to the rebels of the others, and notably that the Pretender should be expelled from Avignon, and that the stipulations of the treaty of Utrecht regulating the succession to the thrones of England, France, and Spain should be further guaranteed. One of the most zealous advocates for the utility of this alliance to France, M. Wiesener, in his book 'Le Régent, l'Abbé Dubois et les Anglais,' sums up as follows the advantages he considers that France derived from it:—

France secured for herself the peace which was not secured by the treaty of Utrecht. By allying herself with the two powers who had been her bitterest enemies she broke up the European system ranged against her, and above all prevented the possibility of a war for the succession of France, which Philip V's ambitious designs rendered possible: thus France, delivered from the European blockade, had time to breathe.

There is a certain amount of truth in this opinion, but there are various considerations to be taken into account which seriously modify the favourable verdict.

One of the most important results of this alliance was that France thereby gave up all hope of deriving any benefit from the close connexion between the throne of France and Spain which she had spent so much blood and treasure to secure. It is true that the personal aim of the Spanish queen must necessarily have created a certain divergence between the views of the two courts, but her husband was always at heart a Frenchman, and very little encouragement would have made him only too anxious to court the friendship of his mother country. Besides by this alliance France, losing grasp of her own policy with Spain, became bound to follow the lead of England in her dealings with that country; and England had a very definite policy of her own, not easily reconcilable with the interests of France.

In the second place the interest of the duke of Orleans in his

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own succession and his fear of Philip's claims could on no pretence be put on a par with an object of such national importance to the English as the maintenance of the Hanoverian line. The Orleans family represented no policy in France as opposed to the legitimist line, and the regent's anxiety to succeed his nephew on the throne was a purely personal and selfish view of his own. It is perfectly true, of course, that neither England nor Europe generally would have tolerated the union of France and Spain under Philip's rule, but this was a conjunction which Philip himself probably never contemplated: his view was to secure the French throne for himself and leave Spain to one of his sons, and to such an arrangement it is very doubtful if the other powers would have offered any serious opposition. At any rate if such a settlement had been effected quietly the other powers would have thought twice before engaging in a European war to upset it. In France certainly he was personally popular, and would probably have been a more acceptable successor to Louis XV than the regent.¹⁰ And as a matter of fact Louis XV survived both these claimants to his succession, so that the guarantee was to that extent never called for.

As for the rest needed, and the recuperation of the finances, it is perfectly true that they were quite as necessary for France as for England, in spite of the remark of so diligent an observer as Horace Walpole, who declared in 1715 that France was equal in strength to England, Holland, and the emperor.¹¹ In fact a period of rest was far more needed by France than by England. England had carried on a long war, which if anything had added to her resources by the enormous development it gave to her commerce, and in this respect she had gained still more at the peace. France, on the other hand, was thoroughly exhausted by a war which towards the end had to be carried on with supreme efforts, to avoid ignominious defeat, and it appears from the observations of two Frenchmen of great acumen at the end of Louis XIV's reign that no less than one tenth of the population of France were beggars, and that one half of the remaining nine tenths were just on the verge of beggary.¹² But France had no statesmen to utilise the rest which this treaty gave her. Instead of restoring her finance the regent plunged into the visionary schemes of Law, and the treaty of 1717 dealt a severe blow at her commerce by stipulating not only that the harbour of Dunkirk should, according to the treaty of Utrecht, be destroyed, but that the subsidiary works at Mardyke should also be stopped. She seems almost without an effort to have sacrificed the trade which should have been one of her chief rewards for the long war to secure Spain; ¹³ and it is most interesting to note in the instructions given to the French envoy to Spain,

¹⁰ Cp. Baudrillart, ii. 296 (Stair's view).

¹¹ Wiesener, p. 91.

¹² See Oncken, i. 5.

¹³ See Baudrillart, ii. 216.

in January 1724, the mild tone adopted with regard to her own commercial difficulties with that country and the injunctions given to approach the subject with the utmost caution, and then to contrast the account given in the same instructions of the energetic assistance given by France to England in settling her commercial difficulties with Spain.¹⁴ But perhaps the worst crime of French statesmen against France was that they allowed themselves to be lulled to security by their dependence on the English fleet during the twenty years or more that the alliance lasted, and allowed the French fleet almost to disappear.

And this was the case not only during the regency of the duke of Orleans, but even when Fleury, who, by no means followed England so blindly, was chief minister. President Hénault in his memoirs says :

M. de Fréjus n'avait aucune idée du commerce ni de la marine, et c'était peut-être par là qu'il s'était montré moins suspect à l'Angleterre. . . . Quand il était entré dans le monde, il n'était plus question de port de mer, de colonies, etc. ; c'était des oui-dire : on méprisait ce qui n'était plus à la mode. Aussi aurait-il voulu supprimer les dépenses de la marine et n'avoir point de vaisseaux. M. de Maurepas fatiguait en vain le ministre par des représentations trop frappantes et importunait à force de vérité. M. de Fréjus voulait croire que c'était jalousie de ministre qui cherchait à faire valoir sa partie, et ne croyait pas un mot de l'importance ni de l'extrémité où était cette portion du gouvernement. Le cardinal est mort sans le savoir : nous sommes restés à l'apprendre.¹⁵

Even as late as 1735, when Chauvelin had been in power for eight years, and might have been expected to effect more energetic measures, on the occasion of England's sending twenty-five ships to Portugal it was found that it would take France six weeks to fit out fifteen.¹⁶

The truth was that French statesmen did not realise until it was too late that the result of the Spanish succession war and the treaty of Utrecht had entirely altered the outlook of French policy. In the time of Richelieu France was still hemmed in by the house of Hapsburg, and her very existence as a nation was precarious until some bounds had been put to the inordinate power of a family which commanded the resources of the Empire, of the Low Countries, and of Spain and the Indies : Richelieu had understood and had formulated the policy of resistance to the death by France to the house of Hapsburg both in the Empire and in Spain. Louis XIV throughout his reign had followed the traditions of this policy, and by his final great struggle in the war of the Spanish succession

¹⁴ See *Recueil des Instructions données aux Ambassadeurs de France ; Espagne* iii. 99-103 (abbé de Livry).

¹⁵ Quoted in note to *Mémoires d'Argenson*, i. 307.

¹⁶ Coxe, *Memoirs of Sir Robert Walpole* (4th edition), iii. 251 (Lord Waldegrave to the duke of Newcastle).

he had placed a descendant of his own on the throne of Spain, had confined the Hapsburgs to one side of France, and had thereby greatly neutralised the danger of their enmity to France. Then was the time for French policy to change. Instead of continuing to be a mid-European power, and of still regarding the emperor as the great enemy, instead of still treating a disputed succession in Poland as a matter of moment to her, she should have devoted her energies to making something more than an empty boast the French king's proud saying that 'the Pyrenees no longer exist,' and have utilised the ally she had taken so much trouble to create; above all she should have turned her face towards the sea and have realised that this was her one chance to secure a great colonial empire and a vast commerce to rival England's. It is, indeed, somewhat naturally forgotten what unrivalled opportunities for becoming a great colonial power had been left to France by the treaty of Utrecht; in America she had Canada and Louisiana and a continuous connexion between the two along the Ohio; in the West Indies she had the Antilles, Grenada, St. Vincent, St. Lucia, San Domingo, Martinique, Guadeloupe, and Cayenne; on each side of India she had good commercial centres at Surat and Pondicherry; while in Africa she had Senegal and the islands of Bourbon and Mauritius, commanding the passage to India.¹⁷ In the Levant, moreover, although her commercial position was not so supreme as it had once been, and England was beginning to rival her, she still had advantages and privileges which gave her the pre-eminence in the traffic with the Turkish empire, while her ambassador to the Porte had more the position of a French viceroy than of an ambassador to a friendly power. Nor must it be left out of account that the full returns for all these advantages could only be gained for France if the government adopted the policy best calculated to use them; for the French have always been far more dependent than the English on their statesmen. The genius of the French nation requires them to be directed from above; all the advantages they enjoyed were due to government encouragement, and the French were not disposed, as the English were, if they found the government supine or wrong-headed, to take matters into their own hands and force the policy of the government by presenting it with accomplished facts.

As far as one can judge from such indications as the behaviour of the men of Dunkirk, mutterings from discontented members of the council of state, and representations of the merchants, the French people probably had a far juster appreciation of who the real enemy was than the statesmen who directed French policy. Blind as they appear to have been to the true interests of their country, it is hardly surprising that they should have failed to realise where the

¹⁷ See Jobez, *La France sous Louis XV*, vol. iii.

real danger lay. A consideration of the last war might, however, have shown it them. Then it had not been the house of Hapsburg, formidable as it had appeared, that had inflicted defeats on them : the real conqueror of France had been England, who had dictated the conditions of the treaty of Utrecht. Cases, no doubt, arise when it is good policy for a country to form a temporary alliance with an enemy whose interests are opposed to it, but it is of the first importance to realise in such cases that the permanent differences are not effaced by the temporary alliance, and that the country that pursues its own policy in spite of the alliance is the only one that profits by the rest. The fact was that France had no longer a well-defined policy : she lived from hand to mouth and allowed herself to become the cat's paw of England in her dealings with Spain and in the development of English commerce, thus by a strange irony of fate reversing the conditions of England and France, which Louis XIV had so deftly utilised in Charles II's time for his struggle with Holland. Even if France had utilised the alliance for a thorough preparation for the inevitable struggle with England, it would have been an advantage to her, but that also she neglected.

It was unfortunate for France that at such an important turn in her foreign policy her destinies were committed to statesmen of such short-sighted views as those who ruled her after Louis XIV's death. As has been observed by M. Albert Sorel,¹⁸ this change is even noticeable in the very instructions given to the French ambassadors abroad, especially after Dubois's ministry. Whereas under Louis XIV questions of policy were treated in a large and comprehensive manner, and their solutions given in decided and unmistakable language, now vague wordiness took the place of clear issues, and ambassadors were often, most unfairly, left to formulate a policy which the foreign office could not express, from its inability to grasp the difficulties.

The regent, Philip of Orleans, was a man who resembled our own Charles II in many respects. Like him he had suffered a good deal of adversity in his youth, and when he arrived at power he seemed determined to allow nothing to interfere with his quiet possession of it ; like the English king also, his unashamed self-indulgence appears less odious and was more harmful for its freedom from any hypocrisy, and in both the same lack of any personal dignity and the same jovial assertion of their own incompetence, which are attested by well-known stories, did infinitely more to lower the standard of political morality than the more pretentious incompetence of a James II or a Philip V. His chief preoccupation during his eight years of power was to secure the succession for his house, if the king died childless, and this

¹⁸ See *Recueil*, &c. ; Autriche, intr.

was the chief motive which led him to sign the one-sided alliance with England, and to procure for Louis a bride whom he could not expect to marry for at least nine years. His jackal, Dubois, was, like his master, a man of very considerable abilities, and he showed some evidence of statecraft. It is true his method of accosting Stanhope in Holland, and of broaching the subject of an alliance with him, reads more like the melodramatic subterfuge of a transpontine adventurer than the methods natural to a statesman representing a court whence the effulgence from the Grand Monarque was hardly dim; but at least he succeeded. However his statecraft extended very little further than the advancement of his patron's personal views, and he kept steadily before himself the reward of a cardinal's hat, which was the payment he expected from the regent and the goal of his ambition.

But the regent and his minister appear prodigies of wisdom, and even of patriotism, in contrast with their immediate successor, the duc de Bourbon; for they at least saw clearly what they wanted and used consummate address in obtaining their object. But 'the one-eyed ruffian,' as the duc de Bourbon was called, could not even excuse his incapacity by the disinterestedness of his motives. The only comprehensible policy he seems to have had was the exercise of his rancour against the house of Orleans; with this object he at one moment encouraged the king of Spain's aspirations to the French throne, and at another grossly outraged him by his contumelious dismissal of the infanta. The unusual combination found in him of hypocrisy and tactlessness is illustrated by this incident of the infanta, for he made the blow seem the more offensive by his protestations that the betrothal would take place immediately, continued up to a month or two before he actually sent her back.¹⁹ Whatever independence he may ever have had was obliterated by his subjection to a greedy mistress, Madame de Prie, who with the unscrupulous financier Paris Duverney avowedly proceeded on the principle of making as much money as she could while her dupe's power lasted. She even induced the duke to propose to Philip V that her husband should become a grandee of Spain, simply because a dukedom in France would have been too obviously scandalous. His weakness and his mistakes made him lean more on England's support than any other minister, and it was an unmixed benefit for France that his selfish and inefficient rule was brought to an abrupt conclusion in two years and a half. The king himself was, of course, only a cipher in politics as yet, and until the death of Fleury he was kept in such a state of tutelage that he never really had any training in government: he was taught to indulge himself for so long that in later life pleasure, though a necessity, was merely boredom

¹⁹ Baudrillart, iii. 157.

to him. If ever a man had an excuse for becoming the monster of wearied depravity which Louis XV became, it was he, and it is perhaps one of the gravest causes for complaint which France has against the statesmen of the first five-and-twenty years of his reign that they gave him so abominable an education in his duties. In 1738 he writes to madame de Ventadour that he has been troubled about a small illness, not because it interfered with his duties, but because it might *m'empêcher de manger, ce que je craignois beaucoup, devant ce jour-là essayer un cuisinier nouveau qui est excellent.*²⁰ And even this is a fallacious sign of what he would become, as it shows enthusiasm for something. It was, no doubt, largely due to his early impressions of terror from the regent, who would employ him as the figure-head in a *lit de justice* to enforce a decree he could not understand, and wrung his weeping consent to marry a child of three, which created in him that secretive dissimulation which in later years did so much harm to French politics. When Louis woke up to the fact that he was a king, his early idea of a superior force to his must still have lingered in his mind, and accounts for his extraordinary and fatal system of counteracting his own envoys by secret agents and checking even the secret agents by agents still more secret.

In every respect, therefore, it appears that French statesmen were playing into the hands of England, both for the present and for the future, by their own want of a national policy and by their careful preparation of the ground to prevent a national policy being carried out.

Such, when Walpole assumed office, was the condition of the three principal powers with which England had to deal during his administration. As compared with them England's position was singularly fortunate. Not only was there no real cause for dissatisfaction, as far as England was concerned, with the provisions of the treaty of Utrecht, but the policy which she had to pursue for her own national advantage was clear and understood by her statesmen. England, no doubt chiefly owing to her popular constitution and the necessity there was of persuading an assembly of business men of the value of a policy, escaped the plague of foreign adventurers with wild schemes calculated to set Europe ablaze, and to divert the stream of national policy, with which many other nations were afflicted; and there is so little parallel in our annals to men like Alberoni, Goertz, Law, Ripperda, and Bonneval, that the confident expectation of Ripperda that on his banishment from Spain he would secure power here seems almost farcical. England was also fortunate, at a time when the absence of any obvious and engrossing questions of foreign policy made a consistent line of

²⁰ Bibliothèque de l'Arsenal, MS. 3720, f. 132.

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action all the more necessary, to have been saved from the brilliant vagaries of Carteret or the self-seeking ambition of Bolingbroke, and to have entrusted her interests to a statesman of the sound and far-seeing capacity of Walpole, assisted by politicians of Townshend's knowledge or of Newcastle, and Harrington's capacity for work. Pitt opposed Walpole at the end of his ministry, but he lived to acknowledge his mistake, and perhaps saw, what is now apparent, that the triumphant manifestation of British supremacy in his great ministry was first rendered possible by the prudence and tenacity of purpose of Walpole.

Walpole and his colleagues saw from the very first that territorial aggrandisement was neither a useful nor a feasible policy for England to pursue. She had at this time neither the capacity nor the inclination to be a great colonising power, and her two possessions on the continent of Europe, Gibraltar and Minorca, were as many as she could adequately deal with. Gibraltar and Minorca were important for the command over the Mediterranean which they gave to our fleet, but the inability even of Townshend to see the immense value of Gibraltar is shown by the willingness he more than once expressed to exchange it for Florida or for solid commercial concessions from Spain. Our colonies at that time consisted of the states of the coast line of North America, of Newfoundland and Nova Scotia, and Hudson's Bay Territory, handed over at the treaty of Utrecht, and of the West India Islands, the Bahamas and Jamaica, Barbadoes and Leeward Islands.²¹ In Africa the Royal Africa Company had a few forts on the Gold Coast, and in India the East India Company had Madras, Bombay, and Calcutta, which were regarded as purely commercial centres. All these possessions, except those on the continent of America, were treated as valuable solely for the commercial facilities which they afforded. Of the American possessions Newfoundland and Nova Scotia had valuable fisheries, while the other colonies were treated as if their chief importance was to provide posts as governors or collectors of customs for impecunious noblemen and hangers-on of the ministry. The slight importance attached to them may indeed be gauged from this fact, that the control of them was allocated to that secretary of state who also had the management of all our foreign relations with France, Spain, Portugal, Savoy, and Turkey. Even the West India islands, valuable as they were for their products, were shamefully neglected, and Horace Walpole seems to have been the only statesman of the time who had any inkling of their real value. In a letter to the duke of Newcastle²² he says that the thought of a war with Spain

²¹ See *Calendar of Treasury Books and Papers*, ii. 586.

²² Add. MS. 32791, f. 353 ($\frac{18}{20}$ July 1736). Cp. *ibid.* f. 396, and Coxe, *Walpole*, iii. 243.

always brings y^e W. Indies into my mind a thing that y^r Grace has y^e least when you ought to have y^e most concern for, not only on account of y^e publick, but by your station; believe me, my Lord, you doe not know what may be y^e consequence in all respects of your great indolence & neglect of this Point; if you heard half that I hear from all quarters, friends & foes on this head, I think it would affect you; when there is any danger of a Rupture we are frightened out of our witts; y^e Admiralty & y^e board of Trade are takeld wth & councils summoned, but if while they meet & deliberate, if that danger seems to blow over, all thoughts of y^e W. Indies are over too & nothing is done.

A certain amount must be deducted from this charge for Horace Walpole's natural proclivity to find fault and to interfere, but there is undoubtedly much truth in the picture.

The fact was that England had not yet secured her dynasty or her commercial supremacy sufficiently to venture with safety on a large extension of territories. As long as there was danger from the Pretender's schemes, territorial enterprise would have been madness, and the history of our own and other countries' colonisation proves that a healthy basis of commercial prosperity and extensive trade are indispensable for the formation of a secure colonial empire. Whether Walpole foresaw the ultimate expansion of England or not, his whole policy, especially in the first ten years of his administration, was directed to the establishment of England's power on such a footing that Pitt's policy became an easy and natural result of it. Among the measures for the encouragement of commerce mentioned in the speech from the throne of October 1721,²³ Walpole advocated in the first place the free export of one hundred and six articles of British manufacture, and he took the duty off thirty-eight imported articles of raw material; and secondly, by a measure which, while useful to the fleet, also had the effect of turning to advantage those American colonies that had hitherto languished as a dead weight to themselves and the mother country, instead of leaving the importation of naval stores to the chance of friendly relations with the Baltic powers, he encouraged the traffic in these materials from America, whose rich stores of them had hitherto been practically useless. But while these measures were the outward manifestation of his policy his most effective method for developing commerce was to be found in the high pitch of perfection at which he maintained the fleet during his administration and in the singularly consistent objects of his foreign policy, freedom from foreign complications, and the maintenance of the Hanoverian dynasty in England. Of these the second object necessarily depended on the first, as the Pretender's only hope of overthrowing the Georges was in foreign support.

It has become almost a platitude in histories of the eighteenth

²³ See Coxe, *Walpole*, i. 163.

century to repeat the constant complaints of contemporary speeches and pamphlets of the opposition and describe the interest of England as having been sacrificed to those of a petty German principality. But this is an erroneous view, at any rate during Walpole's administration. If the commerce and the credit of England were to be maintained, it was all-important to keep the Stuarts off the throne. Not only was the security of the National Debt, of the Bank of England itself, and of the East India Company dependent on the Hanoverian dynasty, but there was a well-grounded fear that the Pretender's engagements with foreign powers might be found fatal to English trade in other respects. The Pretender could only hope to come to the throne with the help of one or more foreign powers, and none of these was inclined to engage in so hazardous an enterprise without at least the promise of some substantial advantage in the event of his success. To Spain the reward would have taken the form of the retrocession of Gibraltar and a revocation of some, if not all, of the trading rights given to England by the Assiento treaty; to France it would have been permission to restore the fortifications of Dunkirk, demolished by the treaty of Utrecht; and if the emperor had given his assistance he would have secured his much-cherished object of developing the Ostend trade without any interference from England. In a word, the return of the Pretender would have meant the most fatal blow conceivable to the commercial power of England. And it is the fear of the Pretender which seems more than anything else to have haunted Walpole in foreign politics. The most elaborate reports were continually being sent on the most trivial matters connected with the Pretender and his agents by the English envoys to foreign courts; spies were highly paid to convey all current gossip on the subject; and in 1725 Walpole, who seems to have hesitated at first about agreeing to Townshend's vast network of alliances, was easily brought to consent on the whisper of danger from the Pretender, feeling assured that an alarm from that quarter would induce the nation to make the sacrifice even of peace.

It was, therefore, something more national than the merely selfish interest of the moneyed class which required the maintenance of the house of Hanover on the throne, and even if the most violent charges brought by party passion against the Hanoverians for sacrificing English to German interests had been true the advantages of their rule would have far outweighed its disadvantages. After all it was only natural to expect that England should have to pay something for the benefits she derived from the protestant succession. The Guelphs were certainly not called to the throne at their own request, and it is at least doubtful if the first George would not have very much preferred to remain undisturbed in his own principality, where ^{two} own principli

stand the language of the people he was called upon to govern. So it could hardly be a subject of legitimate complaint if George I and his son occasionally found it convenient to utilise the resources of England for the benefit of their own country. But in fact it is not true that England suffered to any appreciable extent by the promotion of the Hanoverian interests. The two main facts in the first ten years of Walpole's administration, the confederation made by England to neutralise the effects of the treaty of Vienna between the emperor and Spain in 1725, and the final adjustment of Don Carlos's claims in Italy, which necessitated the return to the emperor's alliance by the other treaty of Vienna in 1731, were certainly to the interest of England as much as to that of any other power, and were not in the least influenced by any German interests. There were, however, during Walpole's first ten years of office, two questions in which English politics became involved, and in which we should have had no concern if the king of England had not also been elector of Hanover; but it is doubtful if England really suffered thereby.

The first was the question of Bremen and Verden. These two territories originally conquered by Denmark from Sweden in 1712 were in 1715 sold by Denmark to George I as elector for 150,000*l.* This transaction led to a war with Sweden, in the course of which an English fleet was sent to the Baltic, and Charles XII made plans for the support of the Pretender in a descent on England; but in November 1719 Sweden agreed by the treaty of Stockholm to George's retention of the places in dispute. The treaty, however, only led to further difficulties, for in 1721, when Russia made a renewed attack on Sweden, that power, in accordance with the provisions of the subsidiary treaty of January 1720, called on England to assist her, and Walpole had to introduce a measure granting a subsidy of 72,000*l.* to Sweden and to send a fleet to the Baltic.²⁴ The irritation caused by this action of England was one of the reasons which made Peter the Great unwilling to include England in the treaty of alliance with France, and there was another result of the cession of Bremen and Verden which increased his unwillingness and made his successor, Catherine, definitely reject the alliance. Besides the payment of 150,000*l.* to Denmark George I had also, in consideration for Bremen and Verden, agreed to guarantee Denmark in the possession of Schleswig, conquered by her at the same time. Now Schleswig was claimed by the duke of Holstein, whose cause was the more warmly espoused by Peter and his wife, Catherine, that he had become their son-in-law. Bremen and Verden also caused some dispute with the emperor, as George refused to pay the fines due

²⁴ See Coxe, *Walpole*, i. 86, 161.

on investiture ;²⁵ but this was a comparatively trifling matter and had no real influence on the relations with the court of Vienna, as it was lost among so many matters of more pressing importance.

The other question, in which our relations with Russia were also involved, was that of Mecklenburg. The reigning duke of this duchy had quarrelled with his nobles, and to put an end to the state of confusion which had arisen the emperor had appointed the elector of Hanover and the duke of Wolfenbüttel administrators of the duchy. The administrators, who were on the side of the nobles, had utilised their power by putting troops into the duchy, whereupon the duke had taken refuge with his kinsman the tsar, who supported his side.²⁶ This affair of Mecklenburg was, therefore, another obstacle to the alliance with Russia, for Peter refused to make a treaty unless the duke of Mecklenburg, with the duke of Holstein, were made a party to it. Nor did the difficulties end there, for in 1728, when the emperor was at enmity with England, he suddenly deprived George and the duke of Wolfenbüttel of their charge and committed the administration of the duchy to his new ally, the king of Prussia. Here again the quarrel with the emperor was of minor importance, as it was only one result of a radical opposition of policy, and was partly a matter of English policy to prevent the emperor, contrary to the treaty of Westphalia, doing too much by himself without the Aulic council. But in the case of Russia the disputes on these two points were undoubtedly important, and were the chief cause that Peter had not concluded the alliance with France and England before his death. However there are some important considerations to be borne in mind before condemning the policy involved by these difficulties as anti-English. While it is perfectly true that the administration of Mecklenburg was a matter of indifference to England, the possession of Bremen and Verden by the reigning house was by no means valueless to British trade. Townshend at least and the two Walpoles valued their possession very highly on the ground that they gave the best inlet for British trade into the Empire, and were far better in our hands than in those of Denmark as a protection against that power's claim on Hamburg, or than in those of Sweden, who had generally been opposed to us in the Baltic, and had only used these approaches to the Empire to create disturbance.²⁷ As to the friction these questions created between England and Russia, it is most likely that if they had been absent the excuse for friction would have been found in some other circumstances. It was not to our interest to allow Sweden to be crushed by Russia, as we were far more likely to keep our position in the Baltic trade if we could

²⁵ Add. MS. 32755, f. 67 ; *Hist. of Engl.* Stanhope, ii. 124.

²⁶ See Add. MS. 32739, f. 347.

²⁷ Coxe, *Walpole*, i. 87.

play one power against the other; so that our interference on behalf of Sweden against Russia in 1721 is justified on other grounds than the question of Bremen and Verden. Again, the loss of the alliance with Russia was due quite as much to French lukewarmness as to the tsar's pique with George I; Russia's assistance to her friends during the earlier part of this century was of a very nugatory character, and England at least did not lose much by her estrangement from that power. It appears, then, that, at any rate down to the treaty of Vienna in 1731, England suffered very little by her connexion with Hanover.

England's foreign relations during Walpole's administration were more coloured by the conduct of Spain than by that of any other power, and naturally so, for on her treatment of our commerce depended the chief advantage we expected to derive from the treaty of Utrecht, and to secure the observance of our treaty privileges it was absolutely necessary to maintain Spain's goodwill. Our trade with the Spanish colonies in the West Indies was secured to us by the Assiento treaty of 26 March 1713, by the treaty of Utrecht, and by the still more favourable terms of the subsidiary treaties of 14 Dec. 1715 and 26 May 1716; and these were finally confirmed by the treaty of Madrid of June 1721,²⁸ by which France confirmed all the advantages given to English commerce by the previous treaties. The general result of these treaties was that England had secured two most valuable commercial privileges. In the first place the English Assiento or South Sea Company had the exclusive right for thirty years of supplying the Spanish colonies in America with slaves up to a certain number annually, and the slave ships were allowed to bring back the proceeds of their sales in goods, bullion, and coin, the king of Spain, however, reserving to himself a fourth part of the gain and five per cent. of the other three parts. Secondly, the company could send annually one ship, at first of 500 tons burden, but subsequently raised for ten years to 650 tons, in consideration of three years in which the ship did not sail, with English goods to be sold at the Spanish fairs in America, and with the right of bringing back Spanish goods in exchange; but this privilege was subject to the stipulation that the annual ship should await the arrival of the Spanish flota at least four months, if it had not arrived, before proceeding to sell the English merchandise. Furthermore, with the reservation that not more than four Englishmen should live at any one port, the company were allowed to establish factors in America to look after their interests.²⁹

It was obviously the interest of England not to jeopardise these advantages by incurring the hostility of Spain, but there were two questions which rendered cordial relations between the

²⁸ See *Collection of Treaties*, 1648-1783, published by Debrett, 1785, vol. ii.

²⁹ Add. MS. 32741, f. 198.

two countries difficult. Happily the queen had objects to secure in Italy for which the support of England was a necessity, but whenever a coolness arose these two questions were sure to come up.

The first was the retention of Gibraltar by the English. Philip had a fixed idea that this was a personal insult to himself as well as a loss to Spain, and throughout his reign he never quite lost the hope of regaining it, either by force or by treaty. It was an unfortunate circumstance for the English position that at the time of the treaty of Madrid George I had written a letter to Philip, dated 1 June 1721, in which he distinctly assured him of his 'readiness to satisfy you with regard to your demand relating to the restitution of Gibraltar, promising you to make use of the first favourable opportunity to regulate this article with consent of my parliament.'³⁰ Undoubtedly at the time the English ministry were not convinced of the importance of retaining Gibraltar, and fully expected to be in a position to give it up to Spain for an equivalent. Indeed in January 1721 Stanhope had said to the French envoy that in a year, when the financial position of England was better and the temper of parliament improved, they would certainly give up Gibraltar for the merest shadow of an equivalent, as the place was only a burden to them.³¹ But they had not counted on the determination of the English people to hold it at all costs. Philip, however, not perhaps without some reason, always regarded the engagement as precise, and treated the continued retention as an act of bad faith.

The second question was the matter of trade. The Spaniards felt themselves sufficiently aggrieved that the privileges above enumerated should have been accorded to England at all at a time when almost every nation regarded its own dependencies as exclusive markets for the trade of the mother country; but they had other and more legitimate causes of complaint. The English were accused, probably not without some reason, of abusing their privileges for the purpose of securing still more trade, as appears from an interesting memorial of the French merchants 'Sur les Abus que les Anglais font du Traité de l'Assiento.'³² In addition to this the English contraband trade carried on by private owners, chiefly between Jamaica and the Spanish colonies, went on with unabated vigour, in spite of the regular concessions granted to the company. The attitude, therefore, of the Spanish government at home and of their governors in America was habitually to treat both the legitimate and the irregular English trade as a nuisance, and to throw as many obstacles in its way as possible. On the outbreak of hostilities between Spain and England in 1718, in spite of a provision in the treaty of commerce that eighteen months' notice should

³⁰ Baudrillart, ii. 467.

³¹ *Ibid.* ii. 447.

³² Add. MS. 32759, ff. 161b, &c.

be given to the company in case of war before any violence was done to their property, all their goods in Spain and the colonies were confiscated. Even in time of peace, on some such frivolous pretext as that the annual ship had not been measured, to see that it did not exceed the proper tonnage, or that the king had not received the share of the profits due to him by the Assiento treaty, the cedula authorising the despatch of the annual ship would be refused or delayed. Secret cedulae were also sent out to the governors of the Spanish colonies, instructing them to hamper the trade of the company and interfere with the due performance of the Assiento contract, although such orders were generally superfluous, as the governors were ready enough of their own accord to put obstacles in the company's way without any instructions from home. A very fruitful source of annoyance was the employment of *guardacostas* to seize English ships sailing near the Spanish main, on the pretence of their containing contraband; and it appears that in this way Spanish privateers drove a thriving trade by taking out the requisite licenses, which the governors made no difficulty in granting them. By these methods it appears that no less than thirty-one English ships were lost between the treaty of Utrecht and 1725,³³ and, as Admiral Hosier remarked, it was no use making reprisals, as the Spaniards could always make good their own losses on the South Sea Company.³⁴

That in spite of all these difficulties the English nevertheless carried on their trade in the West Indies with unabated zeal and pertinacity is a sufficient proof of its lucrative character. Walpole recognised this fact more completely than any other statesman of his time, and he consistently made it a cardinal point in his foreign policy to maintain the trade at all costs. His desire to satisfy Spain, which amounted almost to a passion with him, was no blind instinct, but a reasoned outcome of this policy. He saw that our West Indian trade was always bound to be precarious unless we could secure the goodwill of Spain; he was willing to go great lengths in humouring the Spanish claims for an Italian empire, however much they might be opposed to the interests of England's traditional ally, the emperor; and he regarded our close alliance with France as valuable chiefly for the hold which it gave us on Spain. But he also showed that when other means failed he did not shrink from frightening Spain into submission by an imposing display of our strength. It was fortunate for England in these circumstances that she could afford to be so disinterested in continental affairs: having no immediate objects of her own to pursue but peace and commerce, she could take sides in the duel between the emperor and Spain according as these objects were best served. It obviously did not greatly concern England how

³³ Add. MS. 33028, f. 46.

³⁴ *Ibid.* f. 110.

the different states in Italy were shuffled about, as long as there was no danger of any one ruler becoming so powerful there as to be a menace to Europe; and even on this account there would be no reason to regret if the emperor had the Spaniards as his neighbours instead of two weak princelings like the dukes of Parma and Tuscany; while, on the other hand, it was of the greatest importance that Spain should have cause to be grateful to England for the satisfaction of her desires in that quarter. For this reason England, except during the brief interval of turmoil created by the alliance between Spain and the emperor, consistently supported the Spanish claims to these duchies.

Besides her position of comparative detachment from any views of aggression one of the chief sources of England's strength in Europe at this time was her close alliance with France. Throughout the war of the Spanish succession the interests of England had kept her in strict alliance with the emperor against the ambition of Louis XIV. But since the treaty of Utrecht this friendship had cooled. The emperor was conscious that he was left in the lurch by England as soon as her own advantage had been secured, and he had not only disapproved of the treaty but for some years refused to ratify it. Still as late as 1716 the two powers were so little weaned from their ancient friendship that the treaty of Westminster was agreed to between them, by which each guaranteed not only the other's actual possessions, but any fresh ones which each party to the treaty might acquire by negotiation. But it was no longer really profitable for England to have the emperor as her chief ally: his dissatisfaction with the existing settlement of Europe made him restless and inclined to upset it; and he might lead his allies into adventures, especially directed against Spain, whom England was anxious on no account to estrange. On the other hand the government of the regent was, like the English government, anxious to maintain things as they were; moreover the impression that France's power was still very great, the knowledge that in France the Pretender could find his most effective support, and the advantage which the influence of France would give in any dealings with Spain made her alliance seem eminently desirable. The treaty, therefore, of 1717 was one of the most advantageous engagements ever entered upon by England. And Walpole showed his wisdom in the care with which his government fostered this alliance during the critical years down to the second treaty of Vienna, while the different states of Europe were coming to recognise their altered positions. In every respect the balance of advantage from the alliance lay distinctly on the side of England.

In the first place one of the leading objects of the original treaty was the guarantee of the succession in the two countries as laid down in the treaty of Utrecht. Now the Hanoverian

kings, though not personally much beloved, were pre-eminently the choice of the people, and their continuance on the throne meant a country ruled according to the wishes of the people at home and powerful enough to secure respect abroad. The same could hardly be said of the Orleans government in France. In striking contrast too is the use made of the rest so urgently needed by both countries to recover from the exhaustion of a long war and to set the finances in order. Whereas France employed the period of rest as a time of comparative idleness, at any rate till the time of Fleury—and even he neglected the fleet and allowed commerce to suffer—England laid up a store of wealth and energy which even the haphazard government of the duke of Newcastle could not dissipate. Walpole established a sinking fund, and put taxation on such a basis that it could easily be manipulated and rendered more elastic; judicious measures were taken to conciliate the landed interest and to make the dynasty popular with every class in the country; commerce was encouraged, and, if Walpole had had his way with his excise scheme, would have been still further developed. In foreign trade England turned to the best advantage all she had won by the treaty of Utrecht; in the Mediterranean she utilised to the full the gain of Gibraltar and Minorca and the alienation of Sicily and Naples from Spain; she made a strict alliance with the Algerines, a race of pirates, which proved so useful that when the Dutch, who were at war with them, complained of our giving shelter in Plymouth to an Algerian ship the duke of Newcastle took his stand on the fact that we were at peace with Algiers, which ‘is of the greatest advantage to us and makes us almost sole masters of the Mediterranean;’³⁶ and even in the Levant, where the rivalry of France was most serious, the energy of our merchants was rapidly distancing them. In the West Indies likewise our treaty privileges were strained to their full extent, and private enterprise quite made up for the losses incurred by Spanish punctilio and hostility. And all this energy, with the wealth resulting from it, was not a temporary and factitious outburst due to the feverish activity of an enterprising minister, as was the case in Spain under Alberoni: it was the steady outcome of the spirit of energy and adventure in the nation. The function of the government was to preserve such a commanding position for England, by the French alliance, that the national activity could feel perfectly untrammelled. In other and most important respects also England was not idle during the peace: Walpole never for a moment allowed the fleet to lose its superiority, and nothing probably lulled France to security about her own fleet so much as the feeling that she could depend on the English navy, especially after the imposing demonstration which it made in 1726.

³⁶ Add. MS. 32687, f. 178.

In matters directly concerning France also England enjoyed a welcome breathing space from disturbance even beyond this time, when the alliance with France was as unbroken as it was till Chauvelin's accession to power. Dunkirk, for example, which again became a troublesome question at the beginning of George II's reign, is not once mentioned in the official correspondence between 1722 and 1725;³⁶ and though the importance of this place in relation to England's trade and naval position seems to have been exaggerated the ministry were thereby saved a good deal of trouble in the house of commons. Even in America, where the French and English colonies were, on account of their distance from Europe, inclined to settle their disputes without regard to orders from home, it appears, from a 'list of letters laid before parliament about the danger from the French in American colonies from 1715 to 1735,'³⁷ that after 1722 the complaints of French encroachments, except for two trifling matters in 1725 and 1728, entirely ceased until 1731.

But in addition to all the above-mentioned advantages of this alliance with France, which may be described as to a certain extent negative advantages, there was a very positive benefit which England derived from it. Louis XIV, partly by his victories, partly by the magnificent and well-sustained bombast of his attitude, was able to impress Europe to so high a degree that France was universally recognised as the supreme power on the continent, which no other nation alone could resist. Even this prestige was not a little heightened by the excellence of the French diplomatic service, and the consequence was that at the end of Louis XIV's reign the representations of a French ambassador carried more weight than those of anybody else. Naturally such a position is not lost in a day, and, in spite of the badness of succeeding governments, partly also because of the continued excellence of the French ministers abroad, the French were still the most successful negotiators with other countries. This circumstance, however, appears to have been soon recognised by English ministers, and they turned it to such use to further their own designs that during the last part of George I's reign England derived more benefit from it than the French themselves. In several instances the French government were almost required to direct their ambassadors to negotiate in the interest of England, and they obeyed with the utmost docility, often to the manifest disgust of the ambassadors themselves. France in this way became the mere cat's paw for the designs of England, and notably in the case of Russia lost an ally by her obedience to England's wishes. BASIL WILLIAMS.

(To be continued.)

³⁶ See F. O. Dunkirk, no. 6, P.R.O.

³⁷ Add. MS. 33028, f. 330.

*Colonel Cradock's Missions to Egypt*¹

COLONEL CRADOCK, afterwards the second Lord Howden (1799–1873), was employed on two diplomatic missions to Egypt, respectively in 1827 and 1828, the story of which has hitherto been comparatively obscure. The author of his life in the 'Dictionary of National Biography'² says truly of Cradock:

In 1827 he was ordered to Egypt, in order to try to prevent Mehemet Ali from intervening in the struggle between Turkey and Greece. In this he failed, and he was then ordered to join Sir Edward Codrington . . . as military commissioner, with instructions to force Mehemet Ali to withdraw the army with which he had occupied the Morea.

But, as will be seen, he is in error in adding, after having mentioned that Cradock was wounded at Navarino, that 'he had afterwards no difficulty in securing the withdrawal of the Egyptian army.' Again, the Austrian statesman Prokesch-Osten put in circulation a statement that in 1827 Cradock, having communicated to Mehemet Ali the treaty of London, in the name of the three powers, England, Russia, and France assured him of '*the acknowledgment of the independency of Egypt, but that Mehemet Ali rejected the offer with indignation.*'³ This statement has been repeated by other historians, e.g. by Mendelssohn-Bartholdy in his history of Greece, who adds the further misstatement that Mehemet Ali was 'aided by Prokesch-Osten and the Austrian ambassador at Constantinople in rejecting the Englishman's seductive proposals.'⁴

¹ I desired to elucidate the story of Cradock's missions to Egypt for the third volume of my *History of Europe* (Berlin, W. Hertz), and I have to thank the Foreign Office for granting me permission to consult the official documents preserved in the Public Record Office, of which I make use in the following pages. They are contained in the volumes 'Turkey,' 'Col. Cradock,' 'Admiral Codrington,' 'Admiral Malcolm,' June 1827 to May 1829, nos. 240, 182; 'Turkey, Consuls,' nos. 218, 160; 'Turkey, From Stratford Canning,' nos. 214, 256. I have also taken some hints from the 'Papers of Stratford Canning,' deposited at the Record Office (cf. S. Lane-Poole, *The Life of Lord Stratford de Redcliffe*, 1868, preface). I beg leave to thank the officers at the Record Office for the kind assistance they have lent to my researches.

² Vol. ix. 29. In writing 'Cradock,' instead of Caradoc, Crawdock, Cradok, I follow Sir John's own spelling.

³ Prokesch-Osten, *Geschichte des Abfalls der Griechen*, Wien, 1867, ii. 166. Cf. the same author's *Denkwürdigkeiten und Erinnerungsblätter aus dem Orient*; *Aus J. Schnellers Nachlass*, herausgegeben von E. Münch, 1837, iii. 571, 572, and *Aus dem Nachlass des Grafen Prokesch-Osten*, 1881, i. 120 (Prokesch to Gentz, 9 April 1828). His statement is based on a communication from Ibrahim.

⁴ Mendelssohn-Bartholdy, *Geschichte Griechenlands*, Leipzig, 1870, i. 473.

The same proposals were repeated, if we are to believe Prokesch-Osten, by Cradock on his second mission to Ali and his adoptive son, Ibrahim, in 1828.⁵ The materials in the Record Office, however, place us on surer grounds, as we have found from the instructions given to Cradock on his first mission in 1827, and are enabled to conjecture the character of his later instructions for his second mission of 1828 from different important sources. Whatever differences of opinion may arise on details, there can be no doubt that on both occasions Cradock's exertions missed their aim.

The ambitious designs of Mehemet Ali had for a long time been no secret to any one. 'Would it be impossible,' wrote Stratford Canning on 4 June 1826 to his cousin George Canning, 'to enlist the viceroy of Egypt, if you do not go to war with him, in the service of Greek mediation . . . by holding out to him the prospect of a pashalik in Syria, in place of the Morea, and some assistance, if he behaves well, in his shipbuilding schemes?'⁶ Mehemet Ali, indeed, in the course of conversation with the English consul-general in Egypt, Henry Salt, who is best known as a traveller and a collector of antiquities, had in that year made proposals which proved clearly 'that he had no great taste for the war.'⁷ The sultan, too, knew well that if he was to secure the pasha's further assistance against the Greeks he would have to make great sacrifices. Accordingly, after long negotiations, in the early part of 1827 he dismissed Khusrev Pasha, the old adversary of Mehemet Ali, surrendered to the latter the supreme conduct of the war, and put the isle of Candia under his sovereign jurisdiction.⁸

I fear (reported Salt about this time) the Greeks are likely this year crushed. His Highness might have been easily drawn off from the Greek war, but his honour is now pledged; he stands committed before the whole Musulman world as its champion.

Still he ventured, after a new conversation with Mehemet Ali, to remark:

I feel persuaded that his Highness is yet far from being satisfied with the Porte, and that he is rather inclined to still further embroil the business in the hope of thereby compelling the Grand Signior to grant whatever may be the object of his desires.⁹

Did not the confidential language of the pasha here reported hint at his real wish? Might it not be hoped that he might be persuaded to stand aloof from the struggle? It was well known that he was about to despatch a strong fleet, destined, together with

⁵ Prokesch-Osten, *Mehemed-Ali*, Wien, 1877, p. 12, where the author confounds the years 1828 and 1829; *Geschichte des Abfalls der Griechen*, ii. 248.

⁶ Lane-Poole, *l.c.* i. 409.

⁷ *Wellington Despatches, Contin.*, iii. 469 (Wellington to Canning, 27 Nov. 1826).

⁸ Prokesch-Osten, *Geschichte des Abfalls der Griechen*, ii. 109.

⁹ Salt to Lord Dudley, 3 March, 3 April 1827.

the Turkish fleet, to attack the isle of Hydra. If he persisted in this course, the offer of mediation and the demands of an armistice, as contained in the treaty of London, had been made in vain.

Such was the situation when Canning decided to charge Major Cradock, then attached to the embassy at Paris,¹⁰ with a special mission to the pasha of Egypt. Cradock's instructions are dated 14 July 1827. He was to consider as the main object of his mission to secure the pasha's neutrality, to impress him with the strongest language short of 'absolute menace,' and to direct his attention to the formidable strength of the three powers which were bound together by the treaty of London. He was to remind him of the fatal consequences of identifying himself with the Porte, and to tell him that in case any rash and violent determination of the Divan should bring on a conflict with the three powers the sultan's triumph would not only be very improbable, but even in the occurrence of this unlooked-for eventuality the pasha's own position would be changed for the worse.

The effect of so complete a triumph as is here assumed of the arms and counsels of the Porte would be felt in every part of the empire, and it is not likely that the sultan, flushed with success, would long be restrained by gratitude from invading *that species of independence* which, though veiled by some forms of deference to ancient superiority, has for a long time past given to the authority of the pasha of Egypt the character not so much of a province as of an empire.¹¹

This is the only mention of the word *independence* of Egypt in these instructions.

When, on 8 Aug., Cradock arrived at Alexandria, he learned, to his sorrow, that the Egyptian fleet had sailed three days before, and that the pasha himself had left for Cairo. In the work now before him his best counsellor was his friend Salt, who advised him to have an interview with Boghaz, the pasha's confidential dragoman.¹² Boghaz consented to precede Cradock and Salt to Cairo, carrying with him a note from the former. Salt was too well acquainted with the ground to underrate the difficulties of the task.

The mission (he wrote to Stratford Canning) comes late after great efforts made and great expenses incurred, and after his Highness has, as it were, staked himself to the Grand Signior as to the whole Ottoman empire to the performance of something of importance. Besides, as you will observe, we have to ask from him a neutrality, which may compromise him altogether with the Porte and have nothing specific to offer in return. As Boghoz over and over again observed, 'But what proposition

¹⁰ Gervinus (*Geschichte des neunzehnten Jahrhunderts*), vi. 336, erroneously makes Cradock join the embassy at Constantinople.

¹¹ Draft to Major Cradock, signed 'Dudley,' 14 July 1827. Instructions relative to Cradock's special mission on 14 July 1827.

¹² Compare the sketch of Boghaz's appearance and character by Prokesch-Osten (*Mehemed-Ali*, p. 4, and *Denkwürdigkeiten aus dem Orient*, iii. 422).

has your government to offer? If the Porte should, as is likely, turn its whole force on the pasha, will your government support him in his views of independence? Will it acknowledge him as a separate power?'

On 15 Aug. Cradock, in the presence of Boghaz and Salt, had an audience of Mehemet Ali. The pasha eluded giving a direct answer to Cradock's demand. He declared himself always ready to look to the friendship and protection of England, but he styled himself during the whole conversation with studied affectation a subject and dependent of the Porte.

On the morning of 19 Aug. Salt had a private conference with the pasha, of which he gave the following account:—

*Sunday, 19 Aug.*¹³—I had this morning by appointment a private conference with the pasha.

I opened the discourse by saying that, as the British government had paid him the compliment of sending the Honourable Major Cradock from England on purpose to conciliate his Highness, I trusted he would be prepared to give such an answer as might prove satisfactory to our minister.

He replied that he did not see what other answer he could give. Was Major Cradock authorised to give any specific reply to the propositions he had hinted at to me in our former confidential communication? Had he any advantage to offer him for the sacrifices which, by favouring our views, he should be called upon to make?

I told him that Major Cradock had already explained to his Highness the extent of his mission, and that he must be aware that the propositions he referred to had been of too vague a nature for it to have been possible for our minister to give any direct instructions relative to them. At the same time I ventured to advise him, if his answer must depend upon that point, not to lose the opportunity that now presented itself, and which might never again occur, of speaking out clearly—of explaining in precise terms his wishes to the British government. He might be assured that every delicacy would be used respecting such a communication, and that it would be kept a profound secret.

His Highness observed that, according to his calculations, there would not be time for such a communication—nor any possibility of receiving, before the crisis had taken place, an answer, as the period for active operations must, he conceived, arrive in about twenty days.

I answered that it was true such was likely to be the case, but that in the meantime H.H. might find means to delay the operations of his fleet, and take such precautionary measures as might prevent any unpleasant collision, until the moment when he might become acquainted with the final resolutions of our cabinet.

H.H. said that this was difficult. He had waited and waited and delayed, under one excuse or another, until the Porte had become greatly dissatisfied with his proceedings. That even if he was disposed to give such orders to his own fleet there was always that of the Grand Signior,

¹³ Memorandum of Henry Salt, general consul at Cairo, 19 Aug. 1827 (P. R. O., Foreign Office Papers, *Turkey*, no. 214, no. 156).

commanded by bigots, who would not, he well knew, be easily brought to second his purposes. That even Ibrahim Pasha might be disposed eighty per cent. to attend to his directions, but for the remaining twenty per cent. would have a will of his own. The British government must have seen his situation, and had he been worthy of its notice must have known how to draw him honourably out of the business.

I told him that a stronger proof of the amiable intentions of our government could not have been given than that of sending Major Cradock to H.H.; that everything must have a beginning, and the opening now presented did appear to me, as an individual, the most favourable that could have occurred towards his general views; that I had his interests and those of Egypt at heart, and would not give the advice I did if such were not my real sentiments. But if such an opportunity of ingratiating himself with the European powers were once permitted to slip by he could never expect to find a similar one. It was the part of a wise man to make the most of such rare occasions.

H.H. at this part of our conference began to assume a more easy and confidential tone. 'Well,' said he, 'I am convinced of your wish to serve me. I have always found your advice good, and am truly glad to find, as Boghoz has informed me, that you stand so well with your government. I will tell you the truth. I have already, to satisfy their *amour-propre*, had some discourse on this matter with my chief officers, Mahmoud Bey, the Defterdar Bey, and Osmyn Bey, but I have not disclosed even to them what are my real intentions.

'My determination is this: Let Major Cradock proceed directly to your admiral, and let him recommend to the admirals of the combined fleets to send immediately an officer with a letter from them addressed to Ibrahim Pasha, to tell him that matters are now brought to a crisis, and that he must not think any longer of attacking Hydra, as they are determined if he do so to prevent him by force—in fact, to beat him off. Do not let the officer charged with this letter wait for any answer, but let him merely deliver it into the hands of Ibrahim Pasha.'

I said this might be all very well, but I feared it would have little effect if not backed by secret instructions from H.H. 'Leave all that,' he said, with a very expressive look, 'to me. I am going to act a dangerous part. If I were to remain by the Grand Signior on this occasion, I might, it is true, lose my fleet, but I should be certain to gain Syria and Damascus. Whom else has he to lean upon? He would be obliged to give me my own terms. You will see I shall shortly have some great personages sent from Constantinople to make me propositions. It is a great thing that I am doing to satisfy your government. You know the difficulties I have to contend with, but I rely upon the friendship of England. Let England stand by me and I shall be repaid. I have long wished ardently for her support, and to form a lasting league of commerce and amity with her; and she must, I should hope, now feel that she is bound to aid me.' I told him, as my private opinion, that when the occasion came, should he carry this business successfully through, England would not desert him. His Highness seemed to me already in everything but the form independent.

'Yes,' he replied, 'as the Turkish phrase expresses it, every man is

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a king in his own house ; but Egypt is but a small kingdom ; Syria and Damascus and Arabia are in fact at my disposition. I will speak out. I will for once boast like a Bedouin or a man from the mountains. If I should not have what I seek, I could raise up a religious war that should rage for fifty years ; but this is not a thing to speak of ; this is private discourse between ourselves. If your government support me, as I hope, if it will acknowledge me when occasion comes as an independent prince, I shall be satisfied. You will some day not far remote, I trust, reside here in another capacity from that of consul.' I thanked H.H., smiling, for the promotion he was disposed to bestow upon me, and at the same time assured him that, whatever might be the issue, I should be perfectly ready to attach my fate to his.

During part of the above discourse his Highness's face became lighted up as he spoke, and his eyes flashed as if the fate of empires were already in his hands.

Soon afterwards H.H. asked me when Major Cradock would think of going. I said I had no doubt, when he knew H.H.'s intentions, that he would take his leave to-morrow.

He said he should be most happy to see him. 'As to my answer,' he said, 'it cannot be otherwise in appearance than a declaration of my being obliged to look to the Porte as the guide of my conduct. The rest must be secret.' I then took my leave.

Mehemet Ali repeated the hint of a secret understanding on 20 Aug. at the final audience of Cradock.

Go to the admiral (he said), and tell him immediately after he has seen you to send an officer to Ibrahim Pasha with a letter, in the strongest terms representing to him the danger of exposing himself to a collision with the Christian powers, and dissuading him from any hostile step, particularly from attacking Hydra. . . . Let the admirals notify conjointly to Ibrahim their intention of opposing him should he make any attempt to carry on the war. I wish the letter to be dated off Hydra ; it will carry more force with it. No answer to the letter must be required, and leave all the rest to me.

Mehemet Ali assured Cradock that Ibrahim, on the receipt of the admiral's letter, would take no step without communicating with both Constantinople and Cairo, and that at all events time would thus be gained, which would be equivalent to neutrality. Cradock urged the pasha to explain himself as to the means which he intended to employ in order to carry his neutrality into practice. The pasha's only answer was, 'We Turks have a way of doing things among ourselves. Depend upon it the event will be as you desire.'¹⁴

In the course of his conversations with Cradock Mehemet Ali continually alluded to the protection and support of England,

¹⁴ Salt to Stratford Canning, Alexandria, 12 Aug. 1827. Stratford Canning to Lord Dudley, Constantinople, 16 Sept. 1827 (enclosing Salt's Memorandum, 19 Aug. The original, written for Cradock, was sent to Stratford Canning.) Cradock to Stratford Canning, confidential, Cairo, 21 Aug. 1827. Cradock to Lord Dudley, Smyrna, 7 Sept. 1827. H.M.S. 'Pelican,' off Navarino, 21 Sept. 1827.

'though he gave no authority to the major to make any specific proposal to the British government.' As to Cradock, he carefully avoided saying a word about Egypt's future 'independence,' though he was somewhat more communicative in a private visit to Boghaz.

The conversation (he reports to Stratford Canning) was turned by that gentleman (Boghaz) on the independence of Egypt. I held no sort of encouragement to the idea, being wholly destitute of instructions on the point, but I said, as my own opinion, that, were Egypt to become a separate and self-governing power, having worked out her own independence and capable of maintaining it, I saw no reason why England should not acknowledge that independence, as she had already done that of other states whose march has been the same.¹⁵ I gave this entirely as a private opinion.

Cradock left Cairo on 21 Aug. for Smyrna, still doubtful of the result of his mission. After his departure Salt wrote to Lord Dudley :

What the pasha's line of conduct may prove after the Grand Signior's resolution shall have been known is still somewhat difficult to divine, but his Highness has already declared to the confidential part of his court that it must depend almost entirely upon the communications to be made to him by the Grand Signior. If that exalted personage should give his orders drily to the pasha, without offering him any new means, his Highness declares that he is determined to refuse obedience under one pretext or another ; but, on the contrary, if Syria and Damascus should be placed at his disposal by the Grand Signior, as he says he has a right to expect, his Highness seems disposed to risk the sacrifice even of his fleet, if necessary, to obtain these so long desired possessions, always reserving to himself, it is to be remembered, the power, as alluded to in my note of conversation under date 19 August, addressed to M^r Cradock, of separating himself from the cause of the Ottoman empire, if he can obtain from our government, or rather the allied powers, what he would esteem still more highly, a positive assurance of support in his plans of independence as of aggrandisement. His Highness, as the crisis approaches, is daily expecting the arrival of some personage of distinction from Constantinople. . . . Should the Grand Signior not come forward so liberally as he expects, his Highness will be ready, I feel persuaded, to withdraw immediately his fleet and to recall his son and army and take the chance of what may follow.¹⁶

A slight notice of the well-known events which followed will be sufficient. Cradock, on his way to Greece, met the French admiral de Rigny and told him what he had to communicate about his mission to Egypt. The French admiral had strong doubts as to the measures to be taken. He wrote to the French ambassador at Constantinople on 18 Sept. :

¹⁵ Perhaps Ibrahim, having information of his words, took them as an official explanation of the designs of the British government, and thence unintentionally misled Prokesch-Osten (cf. *supra*, p. 277, note 3).

¹⁶ Salt to Lord Dudley, Cairo, 27 Aug. 1827.

Mon opinion serait de laisser Ibrahim s'embarquer pour son entreprise, de l'arrêter et l'engager à retourner directement en Egypte, ou au moins à la Sude, bon gré mal gré. En faisant une démonstration pour l'empêcher de sortir de Navarin avec la flotte, il renoncera peut-être à son expédition navale, mais avec ses renforts il peut et pousser la guerre dans l'intérieur et appeler par conséquent l'emploi d'autres moyens que ceux de la force navale. Je crains aussi (à supposer que la démarche proposée à M. Cradock par Méhémet-Ali fût bonne à faire) qu'elle ne puisse être faite maintenant avec le mystère qui, aux yeux de ce pacha, en rendait le résultat possible et efficace.¹⁷

Meanwhile the English admiral, Sir Edward Codrington, had already on 19 Sept. written to Ibrahim a letter threatening him with hostilities in the event of his refusal to accept the treaty of London. A second letter of 22 Sept., written in the same sense, bore the signature of De Rigny besides that of Codrington. The two admirals had met before Navarino. On 23 Sept. De Rigny had an interview with Ibrahim in his tent, Tahir Pasha, the commander of the Turkish ships, being present when they first met, though at Ibrahim's command he reluctantly retired. On 25 Sept. a second conference took place, Codrington, Cradock, and other officers being present. It resulted in an agreement to suspend naval hostilities until Ibrahim's couriers had returned from Constantinople and Alexandria.

La flotte turque (announced De Rigny to Guilleminot) reste inactive dans Navarin. Si elle en sort, par suite de nouveaux ordres de la Porte, qu'Ibrahim ne peut recevoir avant 21 jours du moins, nous la trouverons dans l'Archipel, et tout retour en Morée lui sera impossible. Des communications très confidentielles d'Ibrahim me donnent tout lieu de penser qu'il nous fera même aviser secrètement quand il devra sortir, et je crois pouvoir affirmer d'avance qu'une simple démonstration suffira pour reconduire en Egypte et aux Dardanelles cette formidable expédition. Je ne dois pas omettre de dire ici qu'avec le consentement de M. Cradock j'ai instruit Ibrahim de ce qui avait été concerté au Caire avec son père, et que la lettre de Méhémet-Ali, dont j'étais porteur depuis mon voyage en Egypte, où j'avais parcouru devant ce pacha toutes les suppositions qui se sont réalisées depuis, cette lettre, dis-je, adressée à son fils, a convaincu celui-ci de prendre le parti que j'annonce qu'il prendra.¹⁸

Codrington, too, although not as sanguine as his French colleague, hoped for the best. He wrote on 29 Sept. to Stratford Canning :

I must still add that it is evident by what passed yesterday, in reference to the private communication which Mehemet Ali held with

¹⁷ 'Le contre-amiral de Rigny au général comte de Guilleminot,' 18 Sept. 1827 (*Nouveau Recueil de Traités*, par G. de Martens, continué par F. Murhard, 1837. t. xii. p. 94).

¹⁸ Martens, *l.c.*, p. 111. I am unable to say more about the above-noticed letter of Mehemet Ali. I find no mention of it in the article of Vice-Admiral Jurien de la Gravière, 'Les Missions Extérieures de la Marine : la Station du Levant' (*Revue des Deux Mondes*, tome cviii. 1873). According to Prokesch-Osten (*Nachlass*, i. 92) De Rigny's journey to Egypt had taken place in May 1827.

Colonel Cradock, that Ibrahim had instructions from his father, for he has done precisely all that the father said he would do upon our making to him the representations which we did according to the father's suggestion.¹⁹

It belongs to general history to show how, in spite of the agreement of 25 Sept., the fleets came to blows at Navarino. Some weeks after that event Codrington wrote to Stratford Canning:

De Rigny is quite cured of any predilection he may have had for the Egyptians, and well he may be, for nothing can be more clear than that Mehemet Ali has long been playing him to his private purposes. . . . And that wily chief seems to have worked in the same manner upon Mr. Salt and even Colonel Cradock, who would hardly believe in his treachery until it became too glaring.²⁰

It is not easy to see wherein Mehemet Ali's treachery consisted. What we know is that, while Ibrahim wasted Messenia in the most barbarous manner, the admirals of the allied fleets, by their entrance into the harbour of Navarino, forced on the commanders of the Turkish-Egyptian fleet the combat, which ended with its destruction.²¹

Mehemet Ali took the news of this event 'with great magnanimity.' As he read the ominous despatch he frequently stopped to exclaim aloud, 'I told them what would be the consequence. Did they think they had to deal with Greeks?' And before he came to an end of the report he sent for M. le Comte d'Oysonville, commander of the French frigate 'La Vestale' (the only man-of-war in port), for the express purpose of assuring him that the destruction of his fleet had made no alteration in his friendly sentiments towards French subjects. Likewise he also promised Salt's successor, J. Barker, that, in case of war with the sultan, the personal property of British subjects in Egypt should be safe. He added emphatically, 'I know well how to appreciate and maintain the reputation I have acquired for justice and liberty.'²²

In consequence of the information received of Mehemet's state of mind the British government resolved to despatch Cradock

¹⁹ *Memoir of the Life of Admiral Sir Edward Codrington*, edited by his daughter, Lady Bouchier, 1873, ii. 7 seq.

²⁰ *Ibid.* ii. 123.

²¹ According to Prokesch-Osten's letter, addressed to Gentz. 18 Dec. 1827 (*Aus dem Nachlass Prokesch-Ostens*, i. 93), he was informed by De Rigny that on 19 Oct. the Egyptian brig 'Washington' arrived, conveying Mehemet Ali's answer and a ciphered letter, proving that Ibrahim had been repeatedly directed to follow strictly the orders of the Porte. De Rigny assured Prokesch-Osten that 'the admirals, having got this news, came to the resolution to enter the harbour of Navarino.' We know, however, that the admirals had already come to this resolution on 18 Oct., and we have no confirmation of De Rigny's report.

²² J. Barker to Codrington. Barker had been till now consul at Cairo, but on Salt's death, after a painful chronic 'illness,' on 28 Oct. 1827, in a village on the Nile (J. Barker to John Bidwell, 29 Oct., to Lord Dudley, 30 Oct. 1827), he acted as provisional consul-general.

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on a second mission to Egypt. It was no longer Canning who stood at the head of the ministry; but the Foreign Office was still presided over by Lord Dudley, who on 21 Dec. 1827 ordered Cradock again to repair to Alexandria in the same capacity in which he had appeared there a few months before, and 'to consider the instruction addressed to the late Mr. Salt as addressed to himself.' Lord Dudley held it desirable 'that the substance of this paper should be conveyed to the pasha of Egypt by some person not unacceptable to his Highness and capable of explaining and enforcing the points to which they relate.' He further informed Cradock that

the messenger who is bearer of this despatch conveys instructions to the Lord High Commissioner of the Ionian state to make directly to Ibrahim-Pasha a proposal for withdrawing his army from the Morea. . . . In case he should have refused to act except by the authority of his father, your advice and interposition may be usefully employed in obtaining the pasha's sanction to a step so agreeable to those maxims of prudence by which he has been generally guided. If, as we have been given to understand through more than one channel, his Highness is desirous to withdraw himself from all share in the war against the Greeks, he will hardly refuse to avail himself of this occasion of establishing for the future a neutrality *de facto* without further loss or discredit and without breach of his engagements to the Porte.²³

It cannot be doubtful that the main object of Cradock's second mission to Egypt was to effect the evacuation of the Morea.²⁴

Le général Adam (wrote Capodistrias to General Church) s'est rendu à Modon pour engager Ibrahim-Pacha à se retirer du Péloponnèse. Le colonel Cradock a été envoyé dans la même vue à Alexandrie.²⁵

But this time too Cradock had nothing more to offer than 'a kind of temptation to independence by wishing the pasha to act in disobedience to his government,' without any guarantee of aid in the event of the pasha incurring the anger of the Porte. This at least was the retrospective opinion of Sir Frederick Adam's adjutant, who accompanied Cradock on his journey.²⁶

Codrington himself had from the beginning a very poor opinion of the use of Cradock's reappearance at Mehemet Ali's court.

'I beg leave to suggest,' he wrote on 21 Jan. 1828 to the duke of Clarence, 'that the threat of a blockade of Alexandria would have more effect upon Mehemet Ali than any negotiation whatever.' 'Colonel Cradock,' he informed Admiral de Rigny on 8 Feb. 1828, 'is again gone to the

²³ Lord Dudley to Lieutenant-Colonel Cradock, 21 Dec. 1827.

²⁴ Perhaps the instructions addressed to the late Mr. Salt, which Cradock had to consider as addressed to himself, referred also to the question of the deliverance of Greek slaves. Cf. Bulwer, *Life of Palmerston*, Tauchnitz edition, i. 269.

²⁵ *Correspondance du comte Capodistrias*, 1837, i. 490.

²⁶ Captain W. F. C. to Mr. Bethell, Malta, 8 April 1828: *Memoir of the Life of Codrington*, ii. 205.

viceroy of Egypt. I do not approve of asking terms, which I think I have the right and power to dictate.' 'The mission of Colonel Cradock,' he told Capodistrias, 'will not produce any result.'²⁷

Indeed, Cradock's experiences at Alexandria were rather discouraging. At his first audience on 11 Feb. 1828 Mehemet Ali promised only to send a Tartar to Constantinople with a letter expressing his opinion that further resistance in the Morea would be useless. He begged Cradock to stay until an answer arrived. Cradock gives his impression of Mehemet Ali's feelings at this time:

The pasha is evidently most anxious for the return of his army, provided he can do it without compromising what he calls *his honour*. I find a great change in his Highness since I last saw him. He has grown old in appearance and extremely nervous in his manner.

Almost seven weeks elapsed before, on 30 March, Cradock got an answer in the form of an extract of a letter addressed by the pasha to his confidential interpreter.

Delay (he wrote) has ever been the unbroken policy of the Porte and its dependents, but I have always found in my communications with the viceroy of Egypt even more than Turkish temporisation.

He was of opinion that Mehemet Ali might like to retain him indefinitely. This would satisfy his vanity, as Cradock would pass for the representative of a great European power, and at the same time he might hope 'to reap at Constantinople all the fruits of the most subservient loyalty.'²⁸ The pasha stated that he had received a negative answer from the sultan, who had meanwhile sent an ultimatum to the ambassadors of the three powers.

Néanmoins (he continued) j'ai fait, en considération des trois puissances, arrêter mon fils de la continuation de ses attaques sur les Grecs. . . . Je l'ai même empêché, d'après l'ordre reçu, de passer en Roumélie.

He even expressed the hope

qu'il serait permis à son fils de faire à Zante l'achat de quelques provisions pour être transportées dans la Morée.

It was quite clear that nothing positive was to be got by negotiation from the crafty pasha. Cradock's final opinion was that his determination is evidently to persevere in his present system and to admit no argument but the appearance of unanswerable force.

Cradock's second mission to Egypt had thus ended in failure. The withdrawal of Ibrahim from the Morea was settled only some months later, when Codrington, before the arrival of the French expedition under command of General Maison, forced on Mehemet Ali at Alexandria the treaty of 6 Aug. 1828.

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²⁷ *Memoir of the Life of Codrington*, ii. 176, 184, 207.

²⁸ Cradock to Lord Dudley, Alexandria, 12 Feb., 30 March 1828 (enclosure, extract of a letter of Mehemet Ali to Boghaz, to be communicated to Cradock).

Notes and Documents

PREHISTORIC IONIANS.

It is not the purpose of this brief paper to revive in any shape that untenable hypothesis of Curtius¹ (which had been anticipated by Casaubon²) that the colonisation of Ionia was the work of a people which had migrated from Ionia itself to the western shores of the Aegean. That hypothesis, notwithstanding the support of Holm's adhesion, has been definitely refuted, if it still needed refutation, by two articles of E. Meyer in *Philologus*.³ It may now be considered as established, with almost universal consent, that the colonists who sailed from the shores of Attica and Argolis to found the Greek city-states of Ionia were men whose ancestors had come, not from beyond the sea, but from the northern regions of their own peninsula. But in connexion with this colonisation one difficulty occurs which has never been satisfactorily met. The present paper offers a possible solution.

The problem is the source of the Ionian name itself. Whence did the Ionian communities derive that common name which marked them off from the Aeolians of the north and the Dorians of the south? The most obvious answer is that among the settlers were a people called the Iāvōnes, and that, by some unrecorded chance, this name came into use to designate all the Greeks within the Ionic area. Like others, I accepted this answer, which is far more probable than the supposition that there was, at the time of the migration, a western Ionia, extending over Attica, Euboea, and Argolis. Yet the answer is not satisfactory. For if the Iavones were a Greek people of sufficient importance to impress their name on the communities of Ionia, it seems incredible that we should find no trace of them in the home-country. We might not find an Ionia as we find a Doris, or as we find an Aeolian territory in Aetolia, but surely we should find some vestige of their existence, some tradition pointing to some place as their original home. It has been supposed, indeed, that such a vestige exists in the deme

¹ *Die Ionier vor der ionischen Wanderung*, 1855; *Gött. Gel. Anz.* 1856, p. 1152 sqq., and 1859, p. 2021; *Hermes*, xxv. (1890), 141 sqq.

² On Dion Chrysotom, ii. 465, ed. Reiske; see Curtius, *Griechische Geschichte I*, p. 634.

³ *Philologus*, xlviii. (1889), 268 sqq., xlix. (1890) 479 sqq.

Ionidae in Attica; but this carries no conviction.⁴ The *Ionidae* may have been descended from any immigrant Ion. Chance, indeed, plays such a large part in the nomenclature of political geography that we might well decide to accept a prehistoric Ionia in the west, notwithstanding the improbability of its leaving no traces of its existence, not even in tradition, if there were no other way out of the difficulty. But there is another way.

The name 'ΙάϜoves has been compared, for its termination, to *Χάoves* and "Αoves,⁵ and no one can show that it could not be Greek. But no obvious or persuasive etymology of the word has ever been suggested. On the other hand it might equally well belong to other languages. It might be a Thracο-Illyrian name, to be compared with the Illyrian Παίoves and the Phrygian Μαίoves (*Mjoves*). Or it might not be Aryan at all. It might belong to one of that group of Asian languages (*kleinasiatische Sprachen*) which includes the Lydian, Carian, and Lycian.⁶ It would be a folk-name of the same form as *Λυκάoves*, while for the initial letter it might be compared to *Iardanos*, *Iasos*, *Ialysos*. This, I believe, is the true solution.⁷ The original Iavones, according to my hypothesis, were a people of the Asian (or shall we call it Minorasian?) group, brethren of the Carians and the Lydians, the Lycians and the Lycaonians, and the rest of them. They lived north of the Leleges, between the Maeander and Hermus, occupying part of the historical Ionia. When the Greek settlers came, the Iavones suffered the same fate as the pre-Greek inhabitants of Greece proper. They were weaker, or they claved less obstinately to their ethnical identity, than their brethren, the Lycians, the Carians, the Lydians; and they coalesced completely with the Greek invaders. The original non-Greek Iavonia thus became a country consisting of several independent Greek communities, in all of which there was an Iavonian element; and, while each community had its own city-name, the name *Iarones* did not fall out of use along with the old Iavonian language, but was applied to all the inhabitants of these communities, which, though of Greek speech, were of mixed race. The circumstance that these cities were founded by Greeks who were

⁴ The view of Wilamowitz-Möllendorff, connecting the Ionians with the southwestern Peloponnesus, would deserve the greatest consideration if there were clear proofs of Iavones west of the Aegean; but, it may be observed, there is no strong evidence of such a connexion, apart from the Neleid traditions; and the manufacture of the Neleid traditions can be otherwise explained (*Aristoteles und Athen*, ii. 142).

⁵ *Adres*, *Χάoves*, according to Herodian. See Eur. *Phoen.* 644; Pausan. ix. 5, 1; Thucyd. ii. 68. I am not, indeed, quite satisfied that these peoples and their names are Greek. The Chaones may obviously have been Illyrians; and as for the Aones, there is other evidence that Illyrian elements crept into the midst of Greece.

⁶ Kretschmer, *Einleitung in die Geschichte der griechischen Sprache*.

⁷ The possibility that the Iavones were of Phrygian stock does not recommend itself, on account of the absence of names of Phrygian character in Ionia; nor have there been discovered archaeological remains pointing to Phrygia.

closely akin, and had much to mark them off from other portions of the Greek race, in addition to the admixture of Iavonian blood, rendered a common distinctive appellation convenient and necessary. It was quite natural that the application of the name should presently be extended to take in adjacent communities which were outside the boundaries of prehistoric Iavonia, whether in the north or in the south, but which had been settled by Greeks of similar speech and similar cults.

This view cannot, of course, be demonstrated. But, while it explains the fact that no trace of the Ionian name is found west of the Aegean, it wins considerable probability from the explanations which it furnishes of two historical problems.

1. It is easier to understand the rapid development of the Ionians in early times, and their differentiation in many points from their Greek brethren, if, in addition to difference of circumstances which does not seem fully to account for the facts, there was also an ethnical difference in consequence of fusion with the Iavones. The Iavonian admixture may have supplied the force necessary for the Ionian development.

2. A passage in Egyptian history receives elucidation. The names of the allies of the Hittites who attacked Egypt under Ramses II in the thirteenth century B.C. were as follows:— (1) Ruka, (2) Dard^{ny}, (3) Māsa, (4) Yevanna or Yevan, (5) Pidasa, (6) Karaḡishā.⁸ No significance can be attached to identifications which rest on verbal similarities alone; it is perfectly useless to wander from Syria to Sardinia in search of like-sounding names. Such similarities acquire significance only when they have geographical probability to support them. It can hardly be questioned that W. Max Müller is right in laying down the principle that these allies of the Hittites must be sought in Asia Minor. The Ruka, who appear in other lists too, are, it is generally agreed, the Lycians. It has been pointed out that Pidasa corresponds closely to Πήδασα and Karaḡishā to Κοραḡσιον.⁹ Dard^{ny} and Māsa suggested obviously Dardanians and Mysians; and there is no

⁸ W. Max Müller, *Asien und Europa*, p. 354 sqq.

⁹ It has struck me that in the case also of the invaders of Egypt in the reigns of Mernptah and Ramses III the names of some of the tribes mentioned may survive in the names of places. Thus the *Turusha* of the Mernptah invasion might be referred to *Tarsus*; but the association of the Danona (who appear under Ramses III) with 'islands' is against the suggestion of Adana. The Puirasati, or Pursati, 'from the middle of the sea,' might represent men of Praesus, in Eastern Crete. It has sometimes occurred to me to suspect that the name 'Ἐρεόκηρες (*Od.* xix. 176) was not an entirely original invention of a primitive ethnographer, but arose, by a process of *Volksetymologie*, from the actual name of an old Cretan community. Such a name might have been the Takkara, who are associated in Egyptian documents with the Pursati. It is conceivable that Greeks might have made the speaking name 'Ἐρεόκηρες out of a Cretan name which Egyptians might have represented as Takkara.

reason for supposing that the migration of a branch of the Mysians from Europe into Asia was later than the thirteenth century B.C. Champollion identified Yevan with the Iavones (Hebrew יָוֹן). All these identifications, none of which can be called forced, mutually support one another. The likelihood of one depends upon the cumulative likelihood of all. But hitherto there has been a serious difficulty in the case of the Ionians. According to the traditional view, which represents the Ionian migration as subsequent to the Dorian invasion, there were no Iavones in Asia Minor in the thirteenth century, unless, indeed, that view were supplemented by the untenable theory of pre-Ionian Ionian Greeks in Asia, as held by Curtius. Nor does the difficulty disappear for those who hold—as I hold myself—that the Ionian migration began before the Dorian invasion. The Achaean or Aeolian settlements were older than the Ionian, and there is no likelihood that the Aeolian migration began at an earlier period than the thirteenth or the Ionians at an earlier than the twelfth century. The hypothesis which has been put forward in this paper easily solves the difficulty. The Yevan chief and his followers who went to Syria as mercenary soldiers of the Hittites were not Ionian Greeks, but non-Greek Iavones, of the same race as the Lycians and Coracesians.

J. B. BURY.

ON SOME POEMS ASCRIBED TO ALDHELM.

DÜMMLER's edition of the letters of Boniface and Lull in the 'Monumenta Germaniae Historica' (epistt. tom. iii.) includes a number of pieces which clearly belong to an earlier period and to England. The reason for their being given in this inappropriate place is that they are taken from the Vienna MS. of the Moguntine letters, and have been printed along with these by former editors. Among these pieces is a series of five poems (if they may be called by that name), written in rhyming and alliterative, but unrhythmical, octosyllabic lines.¹

All the poems, except the fourth, which is written continuously with the third, have in the manuscript the heading *incipit carmen* et; and at the end of the first of them is the sentence *finit carmen Aldhelmi*. This first poem, thus doubly attributed to Aldhelm, begins with the following enigmatic couplet:

Lector casses catholicae atque obses athletice.

In Jaffe's edition² the text has undergone very heroic treatment, *lector* being 'corrected' into *rector*, *casses* into *casae*, *obses* into

¹ Or hemistichs, according to the view of modern scholars; but Æthilwald, the author of at least one of the poems (and, in my opinion, of all of them), says that it is in *versus* of eight syllables each.

² *Monum. Mogunt.* p. 38.

ospes, athletice into *athletice*. The last is, of course, a real emendation (though the misspelling may very well have proceeded from the author himself); but in all the other cases the alteration is for the worse. Happily Dümmler has rejected these deformations, and printed the text of the manuscript with the one obvious correction. With regard to the interpretation, he follows Traube, who pointed out that in the fourth poem of the series the name of Aldhelm (etymologically 'old helmet') is twice rendered as *cassis priscus*. (The writer, by the way, mistakes not only the gender but also the declension of *cassis*, putting *cassem* in the accusative and *cassis* in the genitive.) Traube's conclusion is that the first poem was addressed to Aldhelm, and this view has been adopted by Dümmler in the heading which he has prefixed to it. With all respect for the admirable sagacity of Traube I venture to think that he has not hit the mark in this instance. It is clear that the name of the person addressed was Helmgisl (*cassis*=helm, *obses*=gisl). We have, of course, to read *cassis catholice*, the solecism of gender being the same as that in the fourth poem. This conclusion leaves it possible to accept the testimony of the manuscript attributing the poem to Aldhelm's authorship. But, as the manuscript attribution is admittedly wrong in the case of the second poem, it cannot be relied on in the case of the first; and, as the mistake of gender seems unlikely to have been made by Aldhelm,³ and the style of the first two poems is absolutely similar, I think it probable that they are both by one hand. Now there is no doubt whatever that the second poem, as well as the fourth, is rightly assigned by Dümmler to Aldhelm's disciple Æthilwald. The other two Dümmler considers to be by Aldhelm. In the case of the fifth poem—a consummately ridiculous effusion—this attribution depends on a conjectural substitution of the vocative *Æthilwalde* for the genitive which appears in the manuscript. But the genitive, which involves Æthilwald's authorship, makes perfectly good sense. The name of the person addressed is contained in the line *haue houa altissime*, for which Dümmler prints the conjectural reading *have, have*. Several persons named Oua (written also Oba, Ofa) are mentioned in charters dated in Aldhelm's time. As to the third poem, it contains Æthilwald's characteristic blunder in the declension of *cassis* (ablative plural *çassibus*), and it has no features that render necessary the attribution to Aldhelm. The probable conclusion, therefore, seems to be that all the five pieces were written by Æthilwald.

HENRY BRADLEY.

³ Aldhelm does play on his own name, but he uses *galea*, not *cassis*.

THE DOMESDAY 'MANOR.'

ONE of the most original and important sections in Professor Maitland's remarkable work 'Domesday Book and Beyond' is that which deals with the Domesday 'manor' (pp. 107-28). Starting from the proposition that, in Domesday, manor is 'a technical term,' he holds that there is 'good reason to believe that *manerium* has some exact meaning;' and this meaning, he thinks, is that 'a manor is a house against which geld is charged.' Of this novel and interesting theory there is nothing 'that could be called a strict proof,' but 'that this term has a technical meaning which is connected with the levy of the danegeld we cannot doubt.'

I propose to examine this theory in the light of Domesday evidence, and to take the points in order. In the first place I would ask whether *manerium* is in Domesday a technical term, like *hida* or *virgata*, connected with the levy of the geld. Does the Domesday evidence imply, as Professor Maitland asserts, 'that not only did the Norman rulers treat the term *manerium* as an accurate term charged with legal meaning, but they thought that it, or rather some English equivalent for it, had been in the Confessor's day an accurate term charged with legal meaning' (p. 108)? To obtain an answer to this question I will employ the same method as in my 'Feudal England,' that of collating the texts of Domesday and of the 'Inquisitio Comitatus Cantabrigiensis.' This will have the further advantage of dealing with a county and with a record which are specially familiar to Mr. Maitland, so that we shall find ourselves on common ground.

We need not, of course, notice the cases in which both manuscripts agree; it is only where their terminology differs that we can learn from their collation. Here then, in order, are the cases in which I have noted such difference.

'I. C. C.'	D. B.
P. 8. Hanc terram tenuit Orgarus vicecomes.	Hoc m[anerium] tenuit Orgarus vicecomes.
P. 10. Hanc terram tenuit Ulwinus. ¹	Hoc manerium tenuit Wlwinus.
P. 15. Hanc terram tenuit Ulwinus.	Hoc manerium tenuit Wlwinus.
P. 17. <i>Hoc manerium tenuit comes Algarus.</i>	<i>Hanc terram Algarus comes tenuit.</i>
P. 20. Hanc terram toch' tegnus E. R. tenuit.	Hoc manerium tenuit Tochi Teignus.
P. 28. <i>Hoc manerium iacuit.</i>	<i>Hec terra iacuit.</i>
P. 31. Hanc terram tenuit predictus Ulwinus.	Hoc manerium tenuit Wlwinus predictus.

¹ The same contrast is found for another manor on the same page.

'I. C. C.'

D. B.

P. 50. *Hec terra iacet et iacuit.**Hoc manerium iacet et iacuit.*P. 58. *In hoc manerio fuerunt vi.
sochemanni et i. hidam tenuerunt.**De hac terra i. hidam tenuerunt vi.
sochemanni.*Pp. 94-5. *Hanc terram tenuerunt. Hoc manerium tenuerunt.*

I have here italicised the entries in which the *manerium* of the 'Inquisitio' and the *terra* of Domesday equate one another, and have left the others in Roman type. This will make the contrast clearer.

Now, on the principle of interpretation I adopted in 'Feudal England,' the above examples prove that the words *terra* and *manerium* were used alternatively and quite indifferently. But I think we have further proofs. Shingay, assessed at five hides, was all held by Earl Roger. Was it a manor? We turn to the relative entries (p. 59) and find that neither the 'Inquisitio' nor Domesday so styles it. Yet under Abington we read (p. 61) that the earl has a virgate of land there *quae iacet in Scelgei suo proprio manerio.*² Again, Picot's fief includes a holding in *Coeia* (p. 15). The two manuscripts speak of this holding as *terra*; and yet Domesday prefixes to the entry 'the symbol M., which represents a manor.'³ How did the Domesday scribe know it was a manor? Precisely the same remark applies to the cases of Stetchworth (p. 18), 'Burch' (p. 20), and Weston (p. 21). The case of Horningsea is of special interest, because, while the 'Inquisitio' styles it *manerium* and Domesday styles it *terra*, the latter nevertheless prefixes the symbol 'M.' (p. 28.) Lastly, under Dullingham (p. 17) we find the abbot of St. Wandrille's holding styled *manerium* by the 'Inquisitio' and only *terra* in Domesday; and yet, under Stetchworth, Domesday tells us (p. 18) that land there has been placed in *m[anerio] Sancti Wandregisili*—that is, in Dullingham.

It is impossible to draw from this evidence any other conclusion than that *terra* and *manerium* were then used indifferently, whether we assign that use to the scribes or to those who made the original returns. We have already seen enough to make us more than sceptical as to *manerium* in Domesday being 'an accurate term charged with legal meaning.' One may, however, approach that view from yet another point. Professor Maitland, plausibly enough, argues as follows:—

But much clearer evidence is forthcoming. Throughout the survey of Essex it is common to find entries which take such a form as this: 'Thurkil held it for two hides and for one manor;' 'Brithmaer held it for five hides and for one manor.' A clerk writes, *Elmer tenuit*, and then is at great pains to add, by way of interpretation, *pro manerio*. 'Eight thegns held this manor: one of them, Alwin, held two hides for a

² Both the 'Inquisitio' and Domesday read 'manerio.'

³ *Domesday Book and Beyond*, p. 107.

manor; another, Ulf, two hides for a manor; another, Algar, one hide and a half for a manor; Elsi one hide, Turkill one hide, Lodi one hide, Osulf one hide, Elric a half-hide.' When we read this we feel sure that the scribe is using his terms carefully, and that he is telling us that the holdings of the five thegns last mentioned were not manors (pp. 107-8).

But do we feel sure? Let us, however, first take the case of Essex. In the 'Inquisitio Eliensis' we read that in Essex the abbot of Ely *habet in dominio v maneria*.⁴ Turning to the relevant entries in Domesday (ii. 18 b, 19) or the 'Inquisitio Eliensis,' we recognise at once these five manors; but while the abbot holds four of them 'for a manor and for x hides,' the fifth is held only 'for x hides,' the words 'for a manor' being omitted. Yet, even in this instance, we read incidentally *tres socemanni attinent huic manerio*. The scribe, therefore, here at least, cannot mean, by omitting these words, to tell us that the holding is not a manor. I now turn to Buckinghamshire, the county from which is taken the professor's last instance quoted above. Here are three successive entries from the survey of that county:—

R. tenet de W. iiii hidas *pro uno manerio*. . . . *Hoc manerium tenuit O.*

W. F. tenet, et F. de eo, i hidam et i virgatum *pro uno manerio*. . . . *Hanc terram tenuit Sueninc.*

W. de F. tenet Turvestone. *Pro v hidis se def.* . . . *Hoc manerium tenuit Wenesi.*⁵

These cases are all different in form. The first two present the same indifferent use of *manerium* and *terra* as we found in Cambridgeshire; the third shows, as in the Essex instance, that the omission of the words *pro uno manerio* is clearly of no consequence. Other examples, similar to these, are plentiful enough in the county. As Hampshire is among the counties to which the professor appeals, I will cite a Hampshire case, that of Chardford. The entries relating to Chardford, ff. 44 b, 46, are duplicates. Professor Maitland failed, I gather, to detect this.⁶ Now when we collate these entries we discover that the scribe has written in one of them *pro ii maneriis*, and has omitted these words in the other, as if they were of no consequence. This is directly opposed to the view that he was 'using his terms carefully,' and that, by omitting the above words, 'he is telling us that the holdings . . . were not manors.'

Hitherto I have dealt only with the view that *manerium* was in Domesday 'an accurate term charged with legal meaning,' and inserted or omitted of set purpose. I now advance to the further

⁴ *Inq. Com. Cant.* p. 122.

⁵ D. B. 151 (top of col. 2).

⁶ *Domesday Book and Beyond*, p. 153, note 1.

proposition that this legal meaning was 'connected with the levy of the danegeld.'

It may be well to deal in the first place with the evidence of the largest 'manors,' as used by Professor Maitland. He takes Leominster with its members, and asks how this 'manor' is treated 'as a single whole.' And he seems to find the answer in the fact that 'it is taxed as a single whole: it is rated at the nice round figure of 80 hides' (p. 113). The instances which follow are Berkeley, Tewkesbury, Taunton, Rothley. Again, on p. 122 we read of 'turning some wide and discrete territory into a single geld-paying unit, of forming such "manors" as Taunton, or Berkeley, or Leominster.' If this means that such districts were termed 'manors,' because each of them was 'a single geld-paying unit,' the argument strikes one as weak. Berkeley was not assessed as a whole; I cannot understand Mr. Maitland's figures for the assessment of Tewkesbury; and Rothley, like Berkeley, is not assessed as a whole, but quite separately from its 'members.' The connexion between the term 'manor' and a single unit of assessment will not bear investigation.

Professor Maitland then proceeds:

Every piece of geldable land is connected with some *mansio* at which it gelds. Let us observe how the commissioners and the jurors proceed in a district where the *villae* and the *mansiones* or *maneria* are rarely coincident (p. 124).

By all means. The district is Cambridgeshire, and on turning, as he does, to the 'Inq. Com. Cant.' we see at once that the whole theory breaks down hopelessly. Entry after entry is found relating to holdings in the villas, which holdings are described neither as manors nor as connected with any manor at which they geld. Where, then, did they geld? On Professor Maitland's hypothesis nowhere, so far as we can learn from Domesday. And yet they did pay geld. Where, then, were they liable to pay it? Why, of course, in the *vill*. But this is anticipating.

Professor Maitland, however, selects a wholly exceptional case, 'the vill of Abington.' In that vill three holdings are said respectively to 'lie in' the three adjoining villas of Litlington, Shingay, and Morden. On these holdings he comments as follows:—

In what sense important to the commissioners or their master can a bundle of strips scattered about in the fields of Abington⁷ be said to lie in Litlington, in Shingay, or in Morden? We answer that it gelds there.

Hence the importance of the hall; it is the place where geld is demanded and paid (p. 124).

⁷ This rather begs a very important question.

The one thing certain, I reply, is that here the phrase 'lies in' does not mean 'gelds there.' Turning to Mr. Maitland's own authority ('Inq. Com. Cant.' p. 60), we find that Abington (to quote his own phrase on Leominster) 'is taxed as a single whole: it is rated at the nice round figure' of five hides T. R. E.⁸ 'Of these five hides,' the 'Inquisitio' tells us, 'the king holds half a hide, which lies in Litlington . . .' 'Earl Roger (holds) one virgate, which lies in Shingay . . .' 'Picot, the sheriff, holds a virgate,' which lies in Morden. These three small holdings were fractions of the five-hide unit of Abington, and must, as such, have paid their geld in the vill of Abington itself.

I shall deal below with the phrase *iacet in*, as implying a manorial but distinctly not a 'geld' relation. Before doing so, however, I will take Professor Maitland's evidence on p. 123.

A piece of land is said to defend itself in or at some manor (*sic*), or, which is the same thing, to have its *wara* or render its *wara*—that is to say, its defence, its answer to the demand for geld—there. 'In Middleton two sokemen had 16 acres of land, and they rendered their *wara* in the said Middleton, but they could give and sell their land to whom they pleased.'

We turn to the Domesday entry vouched, and find that these sokemen *suam Warram in eadem Middeltone dederunt* (i. 212); but of paying it in a 'manor' there is no word. Nor was the vill of Middeltone (Milton Ernest, Beds) by any means coincident with a manor. On the contrary, as, with the Cambridgeshire vills,⁹ it contained several distinct holdings. The wife of Hugh de Grentmesnil had three hides and a virgate, Walter the Fleming two hides, Hugh de Beauchamp two hides less half a virgate, and a beadle (who held of the crown) half a virgate.¹⁰ 'In or at' which of these holdings did the sokemen pay their *warra*? We can only say, with Domesday, that they paid it 'in Milton'—that is, as no 'manor' is mentioned in the entry, in the *vill* of Milton.

A curious Northamptonshire entry (fo. 226) tells us of William Peverel's estate in Kelmarsh ('Cailmarc'). *Haec reddit geldum in Narninworde* (Arthingworth). Now William Peverel had in Arthingworth (which adjoined Kelmarsh) neither manor, hall, nor land. According to Professor Maitland his 'geld' ought to have been paid 'at his manor or one of his manors' (p. 122). But it was not. It was paid in the vill of Arthingworth irrespectively of tenure or of 'manor.'

I will now continue the quotation from p. 123.

⁸ 'In hoc hundredo Abintona pro v hidis se defendebat T. R. E.'

⁹ *Domesday Book and Beyond*, pp. 124, 129, et seq.

¹⁰ D. B. ff. 213 a, 215 b, 218 a, 218 b.

When we are told that certain lands are *in warnode Drogonis* or *in warnode archiepiscopi*, it is meant that the lands belong to Drogo or the archbishop for the purpose of 'defence' against the geld.

But is it? Before we accept this further 'proof' we must satisfy ourselves that such is indeed the meaning of *warnode*. We meet with this obscure Domesday term (which is found in the survey of Lincolnshire) on fo. 366, where we read, *In silva Westbitham habet Godefridus xl acras pro viii denariis Warnode*. Again, on fo. 376 b, *Warnode iiii den' de lx acris silvae quae iacet ad Schillintone dicunt pertinere in Bitham*. This last entry appears to refer to that under 'Schillintune' (fo. 341), where we read, *lx acrae silvae pastilis in Warnode episcopi Remigii*.¹¹ It is difficult to see how these 'pence' (in fixed sums) can express a liability to 'geld,' which would in Lincolnshire be expressed in terms of the 'carucate' and the 'bovate.' And this uneasiness is greatly increased when we turn to the foundation charter of Newhouse Abbey, Lincolnshire,¹² and find the founder giving all his land at Newhouse *pasturis et turbariis, terris cultis et terris de Warnoth [sic], et omnibus rebus eiusdem ville*. After this, indeed, we are forced to ask whether Professor Maitland's assertion is more than a mere guess.¹³ Further important evidence on this Domesday term is found in subsequent Newhouse charters, relating to lands near Brocklesby, in north-east Lincolnshire.¹⁴ *Eudo filius Henrici de Broclosesbi* gives to Newhouse (? temp. Ric. I) *totam culturam meam de Langeberge. . . . In maresco de Haburc quinque percatas prati ad Rudefleth et quinque percatas de Boitoft*, reserving only to Robert, son of Richard, *octo denarii de Warnothe die Pentecost* yearly.¹⁵ This is a very close parallel to one of the Domesday entries. In another charter (? early thirteenth century) an acre of meadow is held of Brian 'de Insula,' *reddendo inde annuatim . . . duos denarios de Warneto ad festum Apostolorum Petri et Paul*.¹⁶ There is also another gift of an acre of meadow, to be held *reddendo annuatim duos denarios de Warneto*.¹⁷ Is it possible—to quote from one of his witty criticisms—that in the professor's definition of *warnode* he has 'seriously said that Macedon is the Greek form of Monmouth'?

I promised above to deal with the phrase *iacet in*, which Professor Maitland supposed to mean 'gelds there.' Let us first establish an equation. We read of a virgate in Orwell, in the 'Inq. Com. Cant.' (p. 79), that *hec terra iacet in Herletona*,¹⁸ and in

¹¹ The term seems to be more especially applied to woodland.

¹² Temp. Steph. (*Monasticon*, vi. 865).

¹³ As when he derives the suffix of Amport (which took it from the family of De Port) from *port*, a market town (*Domesday Book and Beyond*, p. 195).

¹⁴ I am indebted to Mr. H. J. Ellis, of the British Museum, for the references to these charters.

¹⁵ *Harl. Cart.* 47, C. 25.

¹⁶ *Ibid.* 50, I. 42.

¹⁷ *Ibid.* 50, C. 24.

¹⁸ Orwell and Harlton adjoin.

Domesday that *H[ec ?] pertinet ad Herletone* (fo. 196). This equation is supplemented by another on p. 55 of the 'Inq. Com. Cant.,' where it is said of half a virgate in Morden: *Hec terra pertinet in Litelingtona*, the Domesday equivalent being *Hec terra iacet in Litingtone* (fo. 198).¹⁹ We thus obtain this result: *iacet in = pertinet ad* (or *in*). Let us now take these cases:—

'I. C. C.'

D. B.

P. 86. *Hec terra iacet in Cestreforda et ibi est apreciata xxx sol. in Essexia.* *Hec terra iacet in Cestreforde et ibi est apreciata xxx sol. in Exsesse.*

P. 49. *Hec terra est berewica in Newport, sed Wara iacet in Grantebrigge syra.* *Hec terra est berewicha in Neuport, sed Wara eius iacet in Grantebrige.*

P. 51. *De his xii²⁰ hidis unus burgensis de Grenteburga i virgam; et Warra iacet in Trompintona et terra in Grantebrigga.*

When Domesday says that 'land' *iacet in* some place, the relation is tenurial, not fiscal: when, on the other hand, we read that the Warra *iacet in* some place, then we may render 'gelds there.' The second of the cases above has a special value of its own; for, although the fact may have escaped notice, it enables us to institute a direct comparison between the first and the second volumes of Domesday. Shalford is surveyed in both.

In Escelforde tenet Petrus de Valong' iii hidas de firma regis in Neuport. Terra est iiii carucis. In dominio est una et altera potest fieri, et v villani et vi bordarii habent ii carucas. Pratum iiii carucis.²¹ Reddit iiii libras arsas et pensas et xx solidos per numerum. *Hec terra est berewicha in Neuport sed Wara eius iacet in Grantebrige [sira]—D. B. i. 190.*

Neuport . . . Est adhuc i berewita que iacet in Cantebruge sira et vocatur Scelfort de iii hidis et xlvi acris. Semper viii villani et v bordarii et i caruca in dominio et ii carucæ hominum et xv acre prati²² . . . *Hec berewita erat in supradicta firma T. R. E.—D. B. ii. 7.*

I have not here space to dwell on the somewhat startling discrepancies between these two apparently independent surveys, but one may just note the hint that some four acres of meadow seem to have represented the amount considered necessary for eight oxen.²³ For our present purpose the point is that here we have a typical instance of land lying in one county (Cambridgeshire) which was 'farmed' with land in another (Essex), but which 'gelded' not in the manor to which it was appendant, but in its own county, hundred, and vill. Moreover this land was a *berewite*. Now on

¹⁹ Litlington adjoins Steeple Morden.

²⁰ 'vii' in error.

²¹ The *Inq. Com. Cant.* adds 'Pastura ad pe' ville.'

²² The live stock follows here.

²³ I have elsewhere argued that the meadow 'acre' of Domesday was smaller than our statute acre.

Professor Maitland's hypothesis a *berewite* could not geld independently, for it was not a manor; indeed, he directly states that 'the lord has no hall there.'²⁴ What then becomes of his theory when we find this *berewite* in Shalford, paying its geld independently, and indeed in another county? The same criticism applies to the case of Harkstead, Suffolk, just north of the Stour. Harold had held it T.R.E. *pro berewita in Brictricseseia in comitatu de Exsessa* (ii. 286 b). It was farmed and valued as part of this manor of Brightlingsea, far away at the mouth of the Colne.²⁵ And yet Harkstead had its own assessment for geld (*xxx den. de g.*), which it clearly paid in the hundred of Samford, Suffolk, on the East Anglian system, which contrasted sharply with that of Essex.²⁶ Here again, as it seems to me, the professor's theory, when tested, breaks down utterly and at once.

Thus far I have been setting forth the difficulties which it has presented to myself. I will now deal with what he tells us might be an objection to his theory.²⁷

In later days we may well find a manor holden of another manor, so that a plot of land may be within two manors. If this usage of the term can be traced back into Domesday Book as a common phenomenon, then our doctrine is in great jeopardy. But we have noticed no passage which clearly and unambiguously says that a tract of land was *at one and the same time* both a *manerium* and also a part of another *manerium*.

In Hampshire we read of the bishop of Winchester's great manor of Whitchurch (fo. 41), *De isto manerio et de his hidis tenet Radulfus filius Seifride unum manerium quod dicitur Frigefolk* (now Freefolk Manor). The original assessment of Whitchurch was 50 hides; but, under Edward, it was charged on 38 only; and this had been further reduced by 1086 to 33 hides. Why was this? Clearly because, as Domesday states, 'of these hides' nine were in Freefolk, and these had been reduced to four;²⁸ this would reduce the total for Whitchurch from 38 to 33. Freefolk Manor, therefore, in 1086, was itself a 'manor,' and yet, for geld, was only a part of the manor of Whitchurch. Again, under Brown Candover, a manor of the new minster, we read (fo. 42), *De ipsa terra eiusdem manerii tenet [sic] Alsi filius Brixii unum*

²⁴ *Domesday Book and Beyond*, p. 114.

²⁵ 'Brictricseseiam ten[uit] Heroldus pro manerio et pro x hidis. . . . Tunc inter Brictricseseiam et Herchesteda reddiderunt ii noctes de firma . . . sed ista berewita facit in Sudfolc' (ii. 6).

²⁶ See *Feudal England*, p. 98 et seq.

²⁷ *Domesday Book and Beyond*, p. 128, note.

²⁸ 'Tunc se defendebat pro ix hidis, modo pro iiii hidis, cum aliis supradictis.' Professor Maitland vouches (p. 124) 'a remarkable Kentish entry' containing the precisely similar formula, 'cum his 6 solins geldabat T. R. E.' (fo. 4 b), which he paraphrases 'it gelds along with the other lands of the manor.' On his own showing, therefore, my interpretation above of the Freefolk entry is right. It is further confirmed by a Berkshire entry—'fuerunt quatuor (hidae) et geldaverunt cum hidis manerii' (fo. 58 b), which he vouches for another purpose (p. 123, note 1).

manerium Udemanecote, de abbacia, et est [sic] de dominica terra. These emphatic phrases are confirmed by the valuation of 'the whole manor,' in which Woodmancote is entered only as Alsi's 'part.'

In Gloucestershire the bishop and monastery of Worcester held the manor of Bibury, of which we read (fo. 164 b), *De eadem terra huius manerii tenet Durandus de episcopo unum manerium de iii hidis et una virgata in Bernesleis et Eudo vii virgatas ibidem pro manerio. . . . Totum manerium T.R.E. valuit xviii libras et modo similiter. Ulstanus episcopus tenet et geldat.* Here these two manors in Barnsley are so integrally part of that of Bibury that they are not even valued separately. And it is the bishop who pays the geld. This further confirms the evidence adduced above. In Worcestershire Roger has half a hide at Droitwich, of which we read, *Hoc manerium pertinet suo manerio de Hereford* [fo. 176 b].

In the manors of the countess Judith we have instances of peculiar interest. In Bedfordshire we find the symbol 'M' prefixed to her estate at (Cockayne) Hatley, where she held 2½ hides *pro uno manerio* (fo. 217 b). Of this we read: *Hoc M[anerium] Tosti comes tenuit, et iacet in Potone M[anerio] proprio comitisse.*²⁹ In the east of what is now Rutland, but was then part of Northamptonshire, Judith had succeeded Earl Waltheof in possession of the manor of Ryhall. 'To this manor,' Domesday proceeds, 'belongs Belmestorp' (fo. 228). Belmesthorpe, just on the border of Lincolnshire, adjoined Ryhall on the south-east. Ryhall and Belmesthorpe are assessed separately, each at a hide and a half; but they are valued together (*totum*) as worth 6*l*. This seems a clear case: Ryhall itself is a manor, and Belmesthorpe is only its dependency. But let us turn to Lincolnshire. At Uffington, in that county, south-east of Belmesthorpe, Leofric, 'the renowned abbot of Peterborough,'³⁰ had held 'sixty acres of land without geld' (fo. 366 b); and this had fallen to Judith's share. What did she do with it? She kept no stock there, but worked it 'as part of Belmesthorpe Manor' [*sic*].³¹ So Belmesthorpe too, though belonging to Ryhall, was itself a 'manor' after all.

I should not have thought it needful with a scholar of less eminence than Professor Maitland, who is here on ground peculiarly his own, to marshal so many insuperable obstacles to the acceptance of his striking doctrine. It would be sufficient, in an ordinary case, to open Domesday Book and examine the survey of Cambridge-shire. When we read, of all classes below 'the man who has a

²⁹ Compare the similar entry which follows it (fo. 217 b) and those relating to the Hertfordshire 'manors' forming part of the 'manor' of Hitchin on fols. 132-33.

³⁰ Freeman, *History of the Norman Conquest*, 2nd ed. iii. 429.

³¹ 'In ea nil pecunie habet, sed colit eam in Belmestorp M' (fo. 366 b).

manor,' that 'the geld apportioned to the land that they occupy is demanded from their lord at his manor, or one of his manors' (p. 122), and that accordingly 'every piece of geldable land is connected with some *mansio*, at which it gels' (p. 124), we need only run our eyes down the columns of the Cambridgeshire survey. Holding after holding is there found which is neither spoken of as a manor nor said to belong to a manor. If, as Professor Maitland holds, 'manor' has in Domesday a 'technical meaning connected with the levy of the danegeld,' if it indicates the 'hall' at which the geld on a holding should be levied, where was the geld on these holdings due? To those who feel, as I do, and as all scholars must, an almost unbounded admiration for Professor Maitland's work, it is more than disappointing, it is actually disquieting, to find him here, on ground he has made peculiarly his own, mistaking assumption for evidence and relying on fallacies for proof. The importance of his discovery would be so great for legal and institutional history that, if his reasoning is sound, 'the new light' (as he has somewhere said) 'should be set upon a candlestick.' But the very fact of its importance compels us not to accept it unless it is proved. And it seems to me that, when tested, his proofs collapse.

J. H. ROUND.

THE LAWS OF BRETEUIL.

Part II. The English Evidence.

It is necessary to set forth in some detail the evidences from which we are to establish, as far as may be, the lost Laws of Breteuil. The charters must be laid side by side, that their expressions may be readily compared, and their date and relative value ascertained. Certain passages in late records, such for instance as the 'Customs of Hereford,' will be extracted where there is reason to think that they trace to a Breteuil parentage, though that parentage has been obscured with the lapse of time. The reasons guiding the choice of extracts will be apparent when the evidence is read as a whole. After the extracts relating to the Laws in each borough a note is appended to state briefly the history of the lordship of the borough, so far as it explains the introduction of the Laws of Breteuil.

I. HEREFORD. 1. 'Domesday Book,' i. 269, describing Rhuddlan says:

Ipsis burgensibus annuerunt leges et consuetudines quae sunt in Hereford et in bretuill, scilicet quod per totum annum de aliqua forisfactura non dabunt nisi xii denarios praeter homicidium et furtum et Heinfar praecogitata[m].

2. 'Domesday Book,' i. 179, says of Hereford:

Rex vero habebat in suo dominio tres forisfacturas, hoc est pacem suam infractam, et heinfaram et forestellum.

Quicumque horum unum fecisset, emendabat c solidis regi cuiuscunque homo fuisset.

Modo habet rex civitatem Hereford in dominio et anglici burgenses ibi manentes habent suas priores consuetudines. *Francigene vero burgenses habent quietas per xii denarios omnes forisfacturas suas preter tres supradictas.*

3. The charters cited below, XIII Burford, XIV Ruyton, and XV Welshpool, sufficiently show that at a later time the citizens of Hereford were believed to know what the Laws of Breteuil were.

4. The 'Customs of Hereford' contain passages which, as I shall hope to prove, refer to the existence of certain rules which were derived from the Laws of Breteuil. These customs have been twice printed: first, in the form of extracts, by Richard Johnson, of Hereford, in his 'Ancient Customs of the City of Hereford,' and secondly by W. H. Black and G. M. Hills in the 'Journal of the British Archæological Association,' xxvii. p. 453 *sqq.* Both editions are in modern English, and are based upon translations of the seventeenth and eighteenth centuries which hopelessly obscure the sense in many places. Through the courtesy of the Prior of St. Michael's, Belmont, I have been able to make a copy of the only Latin version now known. It is a fairly intelligent copy, probably Elizabethan; unfortunately a leaf has been torn out, leaving a gap at a critical point, which can at present be filled only from the misleading late translations.

A few words are necessary in explanation of the origin of this record. The customs as we know them were written out and renewed by the Mayor, John Chippenham, in 1486. They open thus:

Ad curiam domini Regis Herefordie tentam die martis proxima post festum Epiphanie domini anno regni regis Henrici filii regis Henrici primi [*sic*] homines ville de Drusselan de partibus Wallie tulerunt quoddam breue domini Regis directum balliuis domini Regis Herfordie [*sic*] [*etc.*]

The word Drusselan, which has hitherto presented insuperable difficulties, especially in the form Drusselaw, glossed in the eighteenth century Rhuddlan, is of course Dryslwyn or Droslan Castle, co. Carmarthen. But the date at which Hereford transmitted its customs to Droslan remains, as before, a difficulty. Droslan, it would seem, first appears as a borough in 17 Edward II (Rot. Chart. no. 21), when it received a grant of a market and freedom from toll. It is to this period possibly that the section containing the customs sent to Droslan really belongs. The later Henries¹ seem to be

¹ The editors hitherto have proposed Henry II, but the character of the text points to a far later date.

ruled out by the fact that Hereford received a mayor in 1383, and the manuscript speaks of the head officer as chief bailiff.

The record sets forth that the inhabitants of Droslan, asking what were the customs of Hereford, were told among others the following facts :

1. Si heres alicuius concivis nostri libertatem nostram ingredi voluerit, fiet statim de eo . . . quod dabit et soluet balliuo nostro capitali xii d. tantum.

2. Et si creditor petat debitum per vocem suam simplicem tunc creditor potest esse ad legem suam manifestam et habebit diem ad proximam curiam ad quam ducat tres si sit in libertate et quinque si extra.

The next section of the Customs professes to be customs written out by John le Gaunter, bailiff, at the request of the burgesses of Carmarthen. John le Gaunter held the office of bailiff during several years of the reign of Edward I.

3. Et non utimur ad faciendam fidelitatem nec aliud seruicium forinsecum domino feodi pro tenementis nostris nisi tantummodo redditus nostros de dictis tenementis exeuntes. Quia dicimus nos tenere tenementa nostra per seruicium burgagii² [etc.]

4. Et si aliquis forinsecus adquisierit aliquod tenementum inter nos nichil dabit pro ingressu habendo in eodem nisi tantummodo balliuo nostro de curialitate sua et eius presencia et pro seisina testificanda xii d. et clerico nostro et subballiuis nostris si intersint cuilibet i d. tantum.

5. Item utimur quod si aliquis concivium nostrorum vel nos eiecti fuerimus a tenementis nostris vi et armis vel alio modo voluntarie [sic] quocumque statim ipse qui eiectus est accedat ad balliuum nostrum capitalem et ducat secum duos plegios sufficientes protestando ad prosequendum secundum leges et consuetudinem civitatis.

6. In hoc casu si quis manus violenter in balliuum nostrum iniecerit vel eum maleiose percuterit [sic] et super hoc convictum [sic] fuerit ante aduentum Willelmi Conquestoris Anglie solebant tales amittere membrum percutientem [sic] per consuetudinem civitatis istius, que quidem consuetudo tempore suo relinquebatur ratione cuiusdam presbiteri qui fuerat cum eo magni status et veniebat in civitate ista nomine nuncii et se male gerebat, quia capere voluisset filiam cuiusdam concivis nostri vi et armis, et hutesio leuato, balliuus cum posse civitatis advenit et balliuum percutiebat cum uno gladio in capite et fugiendo captus fuit et in prisona detentus. Pro quo dictus Willelmus literatorie misit supplicando ut pena illa et consuetudo pro tempore suo et maxime illa vice remissa fuerat [sic].

7. Tenementa ruinosa infra tres dies corrigenda sunt vel prosternanda.

The following are among the customs supplied by John Gaunter to Cardiff:

8. [In the page torn out.] Because we are the citizens of our lord the king, and have the custody of his city for us and our heirs, we ought not

² See 1834 Report of Hist. MSS. Comm. pt. 4. p. 286, for a free burgage held by the annual service of 18s. in 1333.

to go out of our city for the recovery of our debts, for divers dangers and misfortunes which might happen (etc.).³

9. [In the page torn out.] No citizen that is in our franchise shall give for punishment of trespass by him committed against any one that is out of our franchise more than twelve pence.⁴

Among the customs written out for the benefit of Cardiff :

10. In tempore Johannis le Gaunter ballivi capitalis coram quo quidam de civitate de feodo hospitalis tulit quoddam breve de recto in curia domini regis et ipse ignorans qualiter et qualem processum deberet procedere, petiit [MS. et petiit] de concivibus suis qualiter et quomodo procederet per legem et consuetudinem civitatis et temporibus retroactis usitatam. Super quod dicti concives sui sibi dixerunt quod primo pars petens inveniet quatuor plegios vel sex . . . et coram concivibus recipiatur ad prosequendum et tunc pars defendens publice ad tenementum petitum subballivorum nostrorum testimonium et duos concives suos debent summoniri [etc.] (cf. no. 5).

11. Item utimur quod ballivus noster capitalis quietus sit de redditu suo.

The reply to the burgesses of Rhuddlan in Hereford in the reign of Edward I ('Records of Caernarvon,' p. 130) shows no points of interest in connexion with this inquiry.

William of Malmesbury, 'Gesta Regum,' ii. 314 (R.S.):

Manet ad hanc diem in comitatu eius [*i.e.* Willelmi filii Osberni] apud Herefordum legum quas statuit inconcussa firmitas, ut nullus miles pro qualicunque commisso plus vii s. solvat, cum in aliis provinciis, ob parvam occasiunculam in transgressione praecepti herilis, viginti vel viginti quinque pendantur.

The old shire-stow of Hereford was granted by the Conqueror to William Fitzosbern as part of his earldom. When Domesday Book was written Hereford city was in the king's demesne, for Roger de Breteuil, who succeeded his father, was sentenced to forfeiture after his revolt, in 1075, and his lands had not been regranted. It seems clear that Fitzosbern introduced the Laws of Breteuil for his French tenants, his castle-men, in Hereford.⁵ They, and they only, according to Domesday, enjoy the privilege of a maximum amercement of twelve pence. There is here a French and an English borough. The French borough is probably planted close to the castle. In Speed's map of Hereford there is a Briton Street running southwards to the river outside St. Owen's gate. It lies by the castle mill and is divided from the castle by the mill stream. It is here perhaps that we may locate a 'Frankville.' The rules of the French

³ *Journ. of the Brit. Arch. Assoc.* xxvii. 478; p. 33 of Johnson.

⁴ The word *pence* is accidentally omitted in the *Journal of the Brit. Arch. Assoc.* xxvii. 478.

⁵ *Anglo-Saxon Chronicle*, s. a. 1067 on the castle-men of Hereford.

borough would seem to have spread to the English borough, if we may judge from the statements made in the Customs.

The passage from William of Malmesbury is inserted as a further illustration of Fitzosbern's policy. The meaning would seem to be that the earl promised never to fine his knights in the county of Hereford more than 7*s.* for any trespass done against him. The earls of Chester made a similar and even more favourable offer, but for the present the discussion of the principles on which the low amercement was offered must be postponed.

II. RHUDDLAN. 1. 'Domesday Book, i. 269 :

Hugo comes tenet de rege Roelend . . . Modo habet in dominio medietatem castelli quod Roelent uocatur . . . Ibi habet viii burgenses . . .

Rotbertus de Roelent tenet de comite Hugone medietatem eiusdem castelli et burgi in quo habet ipse Rotbertus x burgenses . . .

In ipso manerio Roelend est factum nouiter castellum similiter Roelent appellatum. Ibi est nouum burgum et in eo xviii burgenses inter Comitem et Robertum ut supradictum est. *Ipsis burgensibus annuerunt leges et consuetudines quae sunt in Hereford et in bretuill, scilicet quod per totum annum de aliqua forisfactura non dabunt nisi xii denarios praeter homicidium et furtum et Heinfar praecogitata[m]. . . .*

2. Wotton, 'Leges Wallicae,' p. 518 :

1. I[i]dem burgenses clamant quod non sunt ameriandi in curia Domini Regis pro aliqua transgressione in quam ceciderint ultra xiid.

2. I[i]dem clamant quod uxores suae in eorum absentia defendere possunt sectas domino regi debitas in curia predicta.⁶

3. Iidem clamant quod possunt habere molas manuales et blada sua dominica necessaria pro expensis domorum suarum molend'.

4. Iidem clamant quod possunt legare burgagia terras et tenementa sua et redditus et alia seruitia.

5. Iidem clamant quod locare possunt burgagia sua quibuscunque voluerint, et ea eisdem invadiare &c. contra tenorem cartarum domini regis eis de burgagiis predictis factarum, in quibus continentur [*sic*] quod iidem burgenses in eodem burgo in burgagiis predictis ad efforciamendum ville et castri domini regis in burgo predicto corporale [*sic*] facerent residenciam &c.

6. Iidem clamant quod averia nec alie districtiones eorum capte in namium non debent duci extra villam de Rothelan infra clausum castri pro aliquibus ameriamentis nec occasionibus.

The two founders of Rhuddlan Castle and of the French *bourg* attached thereto, Hugh of Avranches, earl of Chester, and Robert of Rhuddlan, are not known to have had any close connexion with Fitzosbern other than such as would naturally arise from their joint responsibility in keeping the Marches. It is clear from the

* I have not found this elsewhere in connexion with the laws of Breteuil. It may have come in through the influence of the earl of Chester. Ralph Blundeville's charter to Salford (of which more below) has an analogous passage, c. 37.

wording of Domesday that the example of the French *bourg* at Hereford was in their minds when they gave 'the laws and customs which are in Hereford and in Breteuil' to the new colony of burgesses; but I have failed to bring Robert and Hugh into connexion with Breteuil by means of their ancestry or in any other way.

III. SHREWSBURY. At the end of John's charter to Shrewsbury, 1205, the other clauses of which are not of interest here, being of the ordinary pattern for a royal borough, there occurs this passage ('Rot. Chart.' p. 142):

Et quod terre et tenementa infra predictum burgum et hundredum tractentur *per legem Bretoll'* et legem Baronye, et legem Anglescherie secundum quod terre et tenementa solent tractari per predictas leges.

The phrase in which King John mentions the law of Breteuil would seem to show that, as at Hereford, the French burgesses were living under a law different from that of the English borough. John grants that the lands and tenements within the borough and hundred of Shrewsbury shall be treated by the law of Breteuil and the law of the Barony and the law of the Englishry.⁷ We have here, it seems, three *bourgs* beside the castle that may perhaps be compared with Hoveden's description of Verneuil (ii. 49). That part of Shrewsbury which lies over Welsh Bridge, on the opposite side of the river to the castle, is now called Frankwell; in Henry IV's time it was written Frankville. Here we may see the colony of forty-three French burgesses whose existence 'Domesday Book' records (i. 252):

Dicunt angligenae burgenses de Sciropesberie multum graue sibi esse quod ipsi reddunt totidem geldum sicuti reddebatur T. R. E. quamvis castellum comitis occupauerit li masuras et aliae l masurae sint vastae et xliiii francigenae burgenses teneant masuras geldantes T. R. E. . . .

In Edward's day the king had a fine of 100*s.* for breach of the king's peace given by the sheriff, and the same for foresteal and heinfare, but of the fines that were being taken under the Conqueror nothing is said.

The portion of the borough in which the laws of 'the Barony' prevailed, I would suggest, is Meole Brace, which lies also on the Welsh side of the river, south of the peninsula on which was the castle. The liberties of Shrewsbury Hundred included Meole at the time of Domesday. Ralph de Mortimer held it of the king. Nine burgesses in the city belonged to that manor. Edith, Edward the Confessor's queen, had held it with Edgebold and great part of Pulley. They passed from her to Fitzosbern, and on his son's forfeiture to

⁷ I puzzled hopelessly over this passage until Professor Maitland suggested the insertion of the definite article before the word 'Barony.'

Ralph de Mortimer, in diminution of the palatinate of the earl of Shrewsbury. The growing liberties of the borough of Shrewsbury likewise absorbed Edgebold and Pulley, which were withdrawn from Condover Hundred. The honour of Meole may well be the barony referred to in John's charter. At that time, 1203-8, long litigation over demesne rights was proceeding between Roger de Mortimer and Adolph de Bracy. In 1235 William de Cantilupe, connected with the De Bracy family, is called lord of the honour of Meole.⁸

As regards the third and original portion of the borough, this has the law of the Englishry, that is to say the law of the district under English as contrasted with Welsh law.

It is possible that the existence of the Laws of Breteuil at Shrewsbury may be traced directly to William Fitzosbern, for when in 1069 it was taken by Eadric the Wild, Fitzosbern, it seems, was sent there to retake it.⁹ But more likely their introduction is due to the first Norman earl of Shrewsbury, Roger de Montgomery (a kinsman of Fitzosbern, of Ralph de Mortimer, and of the king¹⁰), who became earl in 1071. Like Fitzosbern, he was engaged in constant warfare against the Welsh, and felt the necessity of encouraging his tenants to make fixed settlements in proximity to his castles, under the most favoured conditions. The appearance of the customs of Hereford at Roger's castle of Montgomery will be noted hereafter, as also the connexion between his son Roger le Poitevin and the Laws at Preston.

IV. NETHER WEARE (Somerset) temp. Hen. I. Rot. Pat. 6 Hen. V, m. 20.

Omnibus ad quos etc. salutem. Inspeximus cartam domini Edwardi quondam regis Anglie progenitoris nostri factam in hec verba. Edwardus d. g. Rex Anglie, dominus Hibernie, et dux Aquitannie . . . fidelibus suis salutem. Sciatis nos . . . confirmasse dilecto et fideli nostro Auncelmo de Gornay militi nobiscum in obsequio nostro in partibus Scotie commoranti quod ipse et omnes burgenses sui et heredes eorum de Netherwere in Comitatu Somerset erunt liberi de omnibus customis in omnibus mercandizis quecunque mercandise in toto regno nostro ubi per nos liberari possunt imperpetuum, sicut coram nobis recordatum est quod dicti Auncelmus et burgenses sui habuerunt ex concessione antecessoris nostri Henrici primi [*sic*] Mauricio le [*sic*] Gaunt militi. Et quod habeat legem et consuetudinem Herford prout scriptum est dictis burgensibus de Netherwere ex communi assensu omnium burgensium ville predictae Herford sub eorum sigillo patente. Item volumus et concessimus quod dicti burgenses ad petitionem dicti Auncelmi habeant legem et consuetudinem de Bruttell.

⁸ Eyton, *Shropshire*, vi. 6, 350.

⁹ The passage is somewhat obscure: Ord. Vit. iv. 5.

¹⁰ For the genealogy see Owen and Blakeway, i. 64, and *Dict. of Nat. Biogr.* under 'Roger de Montgomery,' and 'Mortimer, Ralph de.'

Etiam volumus quod ministri nostri ex parte nostra infra burgagium [*sic*] predictum nullam ministracionem faciant absque assensu vel consensu ballivi eiusdem ville de Netherwere. Et quod predictus Ancelmus et burgenses eius intra Netherwere habeant liberam warrennam in omnibus dominicis terris suis predictis, dum tamen terre ille non sunt infra metas foreste nostre. Ita quod nullus intret terras illas ad fugandum in eis vel ad aliquid capiendum quod ad warrennam pertineat sine licentia et voluntate ipsius Ancelmi et burgensium eius de Netherwere super forisfacturam nostram x librarum. (Sealing clause, witnesses, 7 [?80] Edw. I.) ?

Maurice de Gaunt or Gant, called also Maurice Paynel (? 1184–1230), baron of Leeds, Yorkshire, was the son of Robert de Were (died in 1195),¹¹ who married Avicia, daughter of Robert de Gaunt. This Robert de Gaunt, according to a monastic genealogy ('Mon. Angl.' v. 491), was a son¹² of the great Gilbert de Gant, son of Baldwin of Flanders and nephew of the Conqueror. Maurice's descent can further be traced up to Walter de Douai, the Domesday holder of Weare, for Avicia de Gaunt, Maurice's mother, was the daughter of Alicia Paynel, daughter of William Paynel, son of Juliana, grand-daughter of Walter de Douai,¹³ and wife of William Paynel.

The 'Henrici primi' in connexion with the name of Maurice in the charter must be a mistake. It is likely, however, that the law of Breteuil at Nether Weare is older than Maurice's time. It may be noted incidentally that Maurice Paynel gave a charter to his borough of Leeds, copying the form of one from Roger de Lacy to Pontefract,¹³ which in its turn is copied from the ancient customs of Grimsby. Beyond the low fixed rent of the burgage it has no point in common with the Breteuil laws, exhibiting traces of influence which would seem rather Danish than French.

Domesday makes no reference to a castle or borough at Nether Weare in Walter of Douai's time, nor is anything known of Walter which would connect him with Fitzosbern.

V. BIDEFORD. Probably before 1147. Watkins, 'Bideford,' p. 12, and Polwhele's 'Devon,' i. 277; both in English.

Richard son of *Richard de Grenville* confirms his grandfather Richard de Grenville's charter made to the burgesses of Bideford, granting (1) that all those who do or shall hold a burgage within the town of Bideford as well

¹¹ Smyth's *Lives of the Berkeleys*, ed. Maclean, i. 26. In the article on Maurice in the *Dict. of Nat. Biogr.* he is called son of Robert Fitzharding, dead in 1195. But Robert Fitzharding died in 1170. Maurice, son of Robert Fitzharding, seems to have been confused with Maurice de Gaunt.

¹² *E. H. R.* v. 745, ix. 117.

¹³ There are very faulty translations of the Leeds and Pontefract charters in the local histories. The Latin version of the Pontefract charter printed at the end of Simon Fraser's *Report on Contested Elections* is the best. Roger de Lacy is only very remotely connected with the family of Lacys of whom mention is made below.

on the east part of the water of Torridge as on the west part, shall have all the liberties of Britolia (so the Latin) as far as in my power doth lie to descend to them and to whomsoever they shall assign; to be holden and had of me and of my heirs for ever, that is to say, in such manner that every one holding one messuage or a garden with six acres of land abroad [sic] of my lordship, shall pay for the same at Michaelmas to me or my bailiff in the town of Bideford 12*d.*, and he that holds one messuage with an orchard only shall yield to me for the same 6*d.* the same day for all services and exactions, excepting only homage.

2. And if it happen that any of the aforesaid burgesses shall make default or offend in anything in my court, they shall for 6*d.* be clearly discharged thereof.

3. And if they will wage law they shall do it with their hands [sic].¹⁴

4. And I have also granted to the said burgesses common of pasture with their beasts throughout, one on the west part of the river Torridge where in the time of Richard my father they were wont to common.

5. And that every one may give or sell his burgage or otherwise alienate [it], saving to me or my heirs the rent of assize of every such burgage.

6. And that every one for his or their burgage against me and my heirs shall pay for a release 12*d.* and no more.

7. And I have also granted to the aforesaid burgesses of Bideford, towards the enlarging of the liberties aforesaid, that they shall do suit to my court from month to month or for a shorter time [sic] upon reasonable warning, on Tuesday.

8. And that the portreeve of the town be at the court to show forth the attachments and plaints belonging to the lord as it hath been used and accustomed.

9. And I have also granted that all the burgesses of Bideford and every of them in fairs and markets throughout all my lands, town and waters, they shall be quit and free from all toll, customs, censary or stallage, to be given to me or to any of mine.

10. And on Tuesday next after the feast of S. Michael, all the aforesaid burgesses shall come to my aforesaid court (except those of whom it shall be faithfully testified that they are beyond the sea or on pilgrimage, or in doing their affairs and merchandising without the country), and then they shall choose one burges to be head-officer, and the same head-officer shall have throughout the year toll and censary of the town by land and water, to the year's end, for 10*s.* to me to be paid, saving to me and my heirs the toll of my market on the Monday. (The burgesses paid for the charter four marks of silver.) [The confirmation supposed temp. Edward I.]

The appearance of the Laws here dates back, there can be no doubt, to Richard de Granville, lord of Glamorgan and founder of Neath¹⁵ Castellum and Abbey. According to Dugdale ('Baronage,' ii.

¹⁴ Perhaps a reference to the single-handed oath; see below.

¹⁵ G. G. Francis, *Neath*. There is no direct evidence that the laws of Breteuil were introduced at Neath. There is a solitary reference to a fixed burgage rent. The earliest borough charter is too late to be of assistance.

479) he was a brother of Robert Fitzhamon, son¹⁶ of Hamo Dentatus, who was descended from Rollo, duke of Normandy. Be this as it may, he went with Fitzhamon on the Norman conquest of South Wales, and there perchance he learnt the details of Fitzosbern's scheme of castles and privileged *burgs*. Of Fitzhamon's influence in the Welsh boroughs more must be said hereafter.

VI. DROGHEDA IN MEATH, 1194. Pat. Roll, 14 Ed. III, p. 2, m. 26, confirming this charter:—

Walterus de Lacy dominus Midie omnibus hominibus et amicis suis Francis et Anglicis et Hiberniensibus presentibus et futuris salutem. Sciatis me dedisse [etc.] omnibus burgensibus meis de Drokedale ex illa parte pontis manentibus que proxima est castello meo de Drokedale,¹⁷ scilicet versus australem partem, villam [et] burgagia sua eis attributa sicut ea illis attributa erant legali consideracione et iuramento legalium militum nostrorum et burgensium. Ita scilicet quod unumquodque burgagium eis atributum l pedes habeat de fronte et iii acras in campo. Concessi eciam eis aquam de Boing deliberandam a mari usque ad pontem de Atrum ab omni obstaculo et impedimento goidi¹⁸ et stagni et piscature ut cum batellis et mercaturis suis ire valeant et redire, et preterea liberam *legem britolli* sicut in aliquo loco liberius tenta fuerunt et melius et plenarius in terra domini Regis Anglie. Istam predictam villam et predicta burgagia et tres [acras] predictas et liberam *legem britolli* prememoratam dedi et concessi [etc.] prefatis burgensibus meis et heredibus suis post illos habenda et tenenda hereditarie in libero burgagio de me et heredibus meis, reddendo annuatim de unoquoque burgagio duodecim denarios, scilicet vi d. ad Clausum Pascha et vi d. ad festum beati Michaelis, pro omni servicio. Quare volo et firmiter precipio quod prememorati burgenses et heredes eorum habeant et teneant hereditarie villam predictam et predicta burgagia et unicuique burgagio tres acras predictas et liberam *legem britolli* prememoratam et aquam de Boing deliberatam a mari usque ad pontem de Atrum sicut predictum est, per prenomatos xii d. annuatim reddendos bene et in pace [etc.] in bosco et plano, in pratis et pascuis, in viis et semitis, cum omnibus libertatibus et liberis consuetudinibus ad liberam *legem britolli* pertinentibus. Hiis testibus, Ricardo de Tuit, Willelmo Parvo, Roberto Flandrensi, Roberto de Laci, Ricardo de Esketot, Ricardo de Feipo, Alexandro Rodipat, Adam Dullard, Roberto de Criketot, Alexandro de Kevel, Bernardo de Bathkenny, Roberto Clerico, et Reginaldo Clerico, qui cartam exposuerunt a. r. r. Anglie Ricardi quinto die mensis proximo post festum Apostolorum Petri et Pauli.

DROGHEDA BRIDGE (versus Uriel, or in Louth), 1218. 'Rot. Chart.' p. 194:

¹⁶ But see the article 'Fitzhamon' in the *Dict. of Nat. Biogr.*, where William of Malmesbury (*Gest. Reg.* ii. 286, R.S.) is quoted to show that Fitzhamon was grandson of this Hamo.

¹⁷ Dr. Gross gives this as a place distinct from Drogheda. The form, however, is not an unusual one for Drogheda.

¹⁸ English, *gote*, *goyt*, a 'water-course.'

Johannes etc. Sciatis nos dedisse et concessisse etc. dilectis et fidelibus burgensibus nostris de Ponte de Droched et heredibus eorum in perpetuum quod habeant et teneant *legem de Breteuil* cum omnibus libertatibus et consuetudinibus ad eandem legem pertinentibus. Quare volumus et firmiter precipimus quod predicti burgenses nostri habeant et teneant predictas libertates et consuetudines et illis utantur tam in Anglia quam in Hibernia adeo bene etc., sicut alii in tota terra nostra eas melius et liberius teneant et habeant. (Witnesses.)

Also in Henry III's charters to Drogheda Bridge, 1229, and Drogheda in Meath, 1247, there occur these passages among other liberties of another parentage, in the 'Chartae, Privilegia, et Immunitates,' printed by the Irish Record Commission, pp. 20, 25:

. . . de terris et tenuris suis que infra metas suas sunt rectum eis teneatur secundum consuetudinem burgi de Drogheda. (In both.)

Et quod nullus burgensis de Drogheda de misericordia pecunie iudicetur in eodem hundredo nisi secundum antiquam consuetudinem suam viz. pro misericordia xii d. (In both.)

In Drogheda versus Midiam, 1247, the following clauses are added:

Et quod nullus implacitetur de aliquo tenemento infra metas predicti burgi nisi per breve de recto et inde plenum rectum in hundredo predicto conquerenti teneatur secundum consuetudinem burgi illius.

Et quod habeant burgagia et acras suas cum pertinenciis suis infra metas suas sicut eis melius et liberius aliquo tempore concessa fuerunt et liberata.¹⁹

Et quod nullus ballivus nostri vel alicuius alterius capiat burgensem aliquem dicti burgi nec incarceret dummodo salvos plegios possit invenire nisi sit pro feloniam quare non sit replegiabilis.

VII. LUDLOW. Eyton in his 'Shropshire,' v. 285, abstracting the Assize Roll 6 Hen. III, Salop, m. 5 dorso,²⁰ notes that:

A certain Hugh had formerly given to Will. Faber of Staunton a mark in frankmarriage with his daughter Hawisia according to the law of Breteuil,²¹ but Hugh not having the mark at hand mortgaged a half messuage in Ludlow for that sum to his said son-in-law. Afterwards Nic. Bum son of Hugh (and therefore brother of Hawisia) redeemed this mortgage and then enfeoffed Wimund fitz Wimund in the whole messuage. On Will. Faber's death Hawisia married Roger Faber of Staunton and the two sued Wimund fitz Wimund as having no ingress to the premises except through William Faber, whom whilst living his

¹⁹ Very possibly the confusion between Bristolium and Britolium had begun already when Bristol clauses were inserted into the charters of the two Droghedas. The clauses 'Et quod nemo capiat hospicium' and the 'Et quod possint se emendare' in both charters would seem to be taken from the Bristol charter of John, count of Mortain, but they may come perhaps from the *Leges Civitatis Londoniae* (Schmid. *Gesetze der A.-S.* p. 520); cf. Liebermann, *Leges Anglie Londoniis collectae*, pp. 13, 73.

²⁰ The original roll throws no fresh light.

²¹ Eyton translates 'legem de Bretoil' as 'law of Bristol.'

wife Hawisia could not contradict.²² They asserted in short that the half messuage had been given out and out to Hawisia in frankmarriage, not mortgaged only. The jury found otherwise, so Wimund and Nicholas were dismissed *sine die*.

Walter de Lacy's grant of the Laws of Breteuil to a colony of his burgesses under his castle at Drogheda may be brought into close personal connexion with Fitzosbern, inasmuch as Walter had inherited estates originally granted by Fitzosbern to Walter de Lacy²³ (*d.* 1085). He was lord of Ludlow, Ewyas, Weobley (both in Herefordshire), and other border places. It is probable that the Laws spread from Walter's colony in Drogheda to Bertram de Verdon's colony at Drogheda Bridge over the water, for the Laws do not occur in connexion with the Verdon estates in the English midlands.

Ludlow Castle was built by Roger,²⁴ son of the Walter de Lacy who was Fitzosbern's man, and the appearance of the Laws here is therefore to be expected. The suit concerning the marriage-portion of a mark, charged on a borough house, does not serve to throw any light on the Laws.

VIII. RATHMORE (in Kildare, probably), in Gale's 'Enquiry into the Corporate System in Ireland,' App. p. xix.

Sciatis presentes et futuri quod ego *Mauritius filius Geraldii* dedi . . . burgensibus meis de Rathmore quatuor viginti et quinque burgagia cum pertinentiis viz. ad unumquodque burgagium septem acras terrae et frontem, et undecim burgagia in eadem villa scilicet ad unumquodque burgagium dimidiam acram terrae et frontem. Concessi autem eisdem burgensibus communam in mora et montibus meis [described]. Tenend' et habend' sibi et heredibus suis de me et heredibus meis secundum *legem de Britoile* sicut aliquis eam in tota terra domini Regis Anglie liberius tenet. Reddendo inde annuatim ipsi et heredes sui mihi et heredibus meis pro unoquoque burgagio xii d. sicut continetur in carta quam habent de bone memorie Geraldo patre meo. Reddendo etiam inde annuatim ipsi et heredes sui mihi et heredibus meis xxx s. de incremento redditus pro hac confirmatione mea habenda et de minutis particulis terrarum iacentium inter dicta burgagia sua in eadem villa, scilicet medietatem ad Pascha et medietatem ad festum S. Michaelis pro omni servitio ad me et heredes meos pertinente.

IX. DUNGARVAN in Waterford, 1215. 'Rot. Chart.' p. 211 :

Johannes etc. Sciatis nos concessisse et hac carta nostra confirmasse burgensibus nostris de Dungarvan et heredibus eorum omnes *libertates et liberas consuetudines de Bretoll* habendas et tenendas de nobis et heredibus nostris in perpetuum. Quare volumus et firmiter precipimus quod predicti burgenses nostri de Dungarvan et heredes eorum in perpetuum habeant et teneant de nobis et heredibus nostris

²² Cf. *Hist. of Engl. Law*, ii. 404.

²³ *D. B.* i. 184.

²⁴ *Eyton*, iv. 318.

omnes predictas libertates et liberas consuetudines bene et in pace libere etc. infra burgum suum et extra et in omnibus locis et rebus cum omnibus ad huiusmodi libertates et liberas consuetudines pertinentibus. (Witnesses.)

Rathmore and *Dungarvan* castles were both in the land of Maurice Fitzgerald.²⁵ The Maurice of the Rathmore charter is probably the second baron of Offaly (?1194-1257). He was the grandson of Maurice Fitzgerald (*d.* 1176) who received the 'middle cantred of Ophelan.' The Laws may thus be traced back to a Welsh source.

X. CHIPPING SODBURY, Gloucestershire. Rudder's 'Gloucestershire,' p. 673 :²⁶

Willelmus Crassus primogenitus filius Willelmi Crassi junioris salutem [*sic*]. Noveras [*sic* for *noveritis*] nos concessisse et hac presenti carta nostra confirmasse burgensibus nostris de Sobbur' et heredibus suis totum quod Willelmus Crassus primogenitus avunculus noster eisdem fecit et per cartam suam confirmavit, viz. Quod habeant et teneant omnes libertates que spectant et pertinent ad *leges de Britoill* etc. etc.

The Gloucestershire topographers make Willelmus Crassus into William le Gros, the ancestor of the Albemarles. Further inquiry, indeed the terms of the charter itself, prove this to be impossible. The grantor of the charter was a member of the family of Le Gras, Le Gros, or Grace, who acted generally in conjunction with and were related to the Marshals of Pembroke.²⁷

William le Gras, 1197, lord of Tullaroan, governor of Kilkenny, constable and seneschal of Leinster, under William Marshal, earl of Pembroke, died between 1210 and 1219. He left four sons, William senior, William junior, Hamo, Anselm. The donor of the Sodbury charter is, it appears, eldest son of William junior, and he confirms his uncle William senior's grant. Charters from the earl of Pembroke to Tintern and Kilkenny are witnessed by members of this family in the time of Henry III, and in a charter to Bradenstoke ('*Mon. Angl.*' ii. 208) William le Gras, eldest son of William le Gras, with the consent of his brothers William junior, Hamo and Anselm (treasurer of Exeter), makes the grant. Sheffield Grace in his history of the Grace family refers to a grant made by William Crassus to his burgesses of Sodbury which is signed by William Marshal, earl of Pembroke, and William Mandeville, earl of Essex. He further supposes the family to be de-

²⁵ For Rathmore see Orpen's *Song of Dermot*, p. 305. See Sweetman's *Calendar*, i., for a record of 1215, by which Maurice made fine for Dungarvan Castle which belonged to him by inheritance.

²⁶ Rudder says that the original is in the possession of the bailiff of the town, and that the parchment is impaired.

²⁷ In *Ann. Mon.* iv. 422, Anselm le Gras is called nephew of William Marshal, first earl of Pembroke.

scended from Raymond le Gros, but if so they were illegitimate, for Giraldus Cambrensis expressly states that he left no lawful issue.

The Charter Rolls 11 Hen. III, p. 1, m. 3, show William Crassus and his heirs conferring a market and fair on Sodbury. They appear to have held under the earl of Gloucester ('Inq. post Mortem,' i. 131 etc.). According to Domesday a Sodbury in Langley Hundred had been the property of Brictric, son of Algar, while Sodbury in Grumbald's Ash Hundred was then held under the Bishop of Lisieux. The three Sodburys are now in Grumbald's Ash Hundred, but Chipping Sodbury, the nearest to Langley Hundred, is perhaps that which was once Brictric's. Its subsequent history is not known, but it probably became part of the earl of Gloucester's property. At Sodbury, then, as no earlier connexions can be traced, it seems that the laws of Breteuil returned to England from Ireland. At Kilkenny and Carlow, as I hope to show, William Marshal was carrying out the scheme of burghal colonisation on the lines he had seen developed in Wales and the English Marches. At Haverfordwest his interesting charter proves a direct connexion with Hereford, and is strongly influenced by the Breteuil Laws. It is from him presumably that the Graces got the pattern for their Sodbury charter.

XI. LICHFIELD. 'Abbrev. Plac.' p. 102, 1225, 'De Burgo de Lichfeld et de Feodo Domini Coventrie episcopi:'

Assisa mortis antecessoris quam Martinus filius Ysaaci araniavit versus Johannem filium Rollandi de i mesugio in Lichefelde remanet quia nulla assisa mortis antecessoris capi potest de aliquo tenemento infra burgum de Lichefelde pro libertate burgi de Lichefelde et pro lege Bretoyll.

The lord of Lichfield at the time of Domesday was Peter, bishop of Chester. Roger de Clinton, bishop of Coventry and Lichfield 1129-1149, found Lichfield a *villa exigua, longe a frequentia urbium. Nemorosa circa regio, rivulus aquae propter fluit*, as William of Malmesbury describes it.²⁸ He enlarged the castle, and founded a colony of burgesses. Thomas Chesterfield²⁹ speaks of his work: *castrum Lichisfeldense muniendo, villam vallo vallando, milites infeodando*. Bishop Roger was a nephew of Geoffrey de Clinton,³⁰ whom Ordericus³¹ speaks of as one raised from the dust by Henry I. According to Simeon of Durham³² Geoffrey, in order that he might be more fit for the rank of bishop, gave his nephew a present of 3,000 marks. Roger may have learned the art of borough-making in Shropshire, where the bishopric held lands before the see was moved from Chester to Coventry. At the time of Domesday, Peter, bishop of

²⁸ *Gest. Pont.* p. 307.

²⁹ Wharton's *Anglia Sacra*, i. 428, 434.

³⁰ *Gest. Pont.* p. 311.

³¹ *Lib. xi. c. 2.*

³² *Sim. Dunelm. s. a. 1129.*

Chester, had burgesses in Shrewsbury,³³ and Roger de Clinton founded Buildwas Abbey on the Coventry demesne in Shropshire.³⁴ It seems likely that it was Bishop Roger who introduced the French laws into the humble village of Lichfield, having, as a man of the world, perceived the advantages to be derived from a colony of burgesses under the laws of Breteuil.³⁵

XII. ELLESMERE (Shropshire). Owen and Blakeway, 'Shrewsbury,' i. 89, note, say that early in the reign of Henry III, Johanna, Lady of Wales, granted the borough the free customs pertaining *ad legem Bretullie*.³⁶

Joan, an illegitimate daughter of King John,³⁷ received Ellesmere as her marriage-portion when she married Llewelyn, prince of North Wales, 1205. It had been part of earl Roger of Shrewsbury's land.³⁸ It is recorded that the Castle was given by Henry II to Davydd ap Owain and his wife,³⁹ 1177. On Davydd's death John took Ellesmere Castle into his own hands. The introduction of the Laws may date back to earl Roger. Eyton (x. 242) shows the lords of Ellesmere holding there, in 1276, 324 acres at the fixed rental of 4*d.* per acre.

XIII. BURFORD (Shropshire), 1265-6. Eyton's 'Shropshire,' iv. 318.

Sciant presentes et futuri quod ego *Hugo de Mortuomari* Dominus de Castro Ricardi dedi et concessi omnibus liberis burgensibus meis de Bureford omnia burgagia eorum cum pertinentiis; tenenda de me et heredibus meis, eisdem burgensibus et heredibus suis, libere et quiete, pro xii d. pro quolibet burgagio annuatim solvendis. Concessi etiam quod teneant burgagias sua secundum *libertatem et consuetudines Legis Britollii*, sicut predicta libertas usa est in civitate Herefordiae. (Witnesses.)

It is less likely that Hugh de Mortimer introduced the Laws, as his charter would seem to indicate, than that he confirmed their existence. Their origin may date back to the Domesday holder of Burford, Osbern Fitz Richard, son of Richard Scrope or Fitz Scrob, who built Richard's Castle in Herefordshire, and was one of the colony of Normans whom earl Ralph (*d.* 1057) planted in Herefordshire under Edward the Confessor. Osbern succeeded his father in his Herefordshire estates, and had, besides Castle Richard, also the castle of Avreton⁴⁰ (? Adforton). By the marriage of

³³ *D. B.* i. 252.

³⁴ *Mon. Ang.* v. 359; *D. B.* i. 252.

³⁵ The allusion to a Lichfield custom on the subject of the marriage portion, Bracton's *Note Book*, iii. 716, merely shows that whereas elsewhere the *maritagium* could be sold, in Lichfield it could not.

³⁶ They translate 'Bristol.'

³⁷ It is not clear who was her mother. See the article on Joan by Miss Norgate in the *Dict. of Nat. Biogr.*

³⁸ *D. B.* i. 223.

³⁹ Hoveden, *Chron.* ii. 133-4; Bened. Abbas, i. 162.

⁴⁰ *D. B.* i. 186 b (2).

Osbern's son Hugh, the lands passed to Margeria de Say, who married Robert de Mortimer, third son of Hugh Mortimer, lord of Wigmore. The Hugh Mortimer of the charter was Robert's grandson. Later on it will be possible to say something of the reasons for suspecting that the Mortimers of Wigmore in Herefordshire assisted in spreading the Laws on the Welsh border.

XIV. RUYTON (Shropshire), 1308. 'Shropshire Archæological and Nat. Hist. Soc.' 2nd series, iii. p. 239 (1891), printed in English. The original was then in the possession of the vicar of Ruyton.

John, earl of Arundel, inspects the charter of Richard, earl of Arundel, who confirms that of *Edmund*, his grandfather, *Earl of Arundel*, granting to the burgesses and their heirs and assigns a free borough. Any one taking one place of burgage and 3 acres of field land to hold for ever, pays yearly 12*d.* for each burgage and 4*d.* for each acre, and is free of toll, passage, pontage, heriots, relief, tillage [*sic*], and all customs. And that the said burgesses may have the laws and customs of *Britol* [trans. Bristol] whole and inviolable for ever, so that no bailiff of ours do in any wise set his hand against the laws and customs aforesaid to the loss of the said burgesses, nor enter there to the prejudice of the same; and that they may have the laws and customs aforesaid wholly and freely as the citizens of Hereford or the burgesses of Shrewsbury hold them in all things to the same law belonging for ever, and that from henceforth no one may do any merchandise in the borough unless he⁴¹ be of the said law or by the consent of the burgesses. [Besides granting a gild merchant, assize of bread, beer, and all things to the same gild belonging, freedom to the native dwelling a year and a day in scot and lot in the borough, freedom of toll in the earl's lands, the right to attach, imprison, and judge of themselves all thieves, homicides, and evil-doers that enter, the charter adds a clause promising repayment within 40 days for all victuals taken; for each brewing 3 gallons of ale are to be given. The earl grants also common of pasture, a three-weekly court, and judgment by the burgess's peers. 2 Ed. II.]

The Fitzalan line of earls of Arundel were the descendants of Alan, son of Flaald, lord of Oswestry. Ruyton in Domesday was held under earl Roger of Shrewsbury by a certain Odo, but Fitzflaald or Fitzalan probably annexed it to Oswestry Hundred.⁴² Of the reasons for suspecting Breteuil influences at Oswestry and perhaps also at Clun, which also belonged to the Fitzalans, something will be said hereafter.

XV. WELSHPOOL (in modern Montgomeryshire). 'Powysland Club Collections,' i. 303 (partly quoted in Gross, 'Gild Merchant,' ii. 389).

Edward de Charlton confirms in 1406 the charter of *Gryffydd*, son of *Gwenwynwyn*, lord of Cyfeiliog (*d. circa* 1286), granting to his burgesses

" Printed 'it.'

" Eyton, x. 112.

of Welshpool (Pole) and their heirs a free borough, free of all customs and services in lands, quit of toll and team, passage and pontage through his lands, heriot, relief, tallage, customs. 'Et ne aliquis ballivus noster in dictis burgensibus meis et eorum heredibus contra libertates et consuetudines *legis britannie* manum imposuerit, quas eisdem burgensibus et eorum heredibus quiete concessi, quod habeant et teneant predictam *legem britanniam* tam liberam et integram ut cives Herfordie tenent in omnibus consuetudinibus ad [dictam legem] spectantibus. Ita quod ne aliquis aliquam faciat mercandizam in prefato burgo nisi sit de dicta lege vel per voluntatem predictorum burgensium.' [He proceeds to grant a gild merchant, the assize of bread and beer, freedom to villains residing a year and a day in scot and lot, and gives leave to the burgesses to attach thieves, homicides, and malefactors, and to imprison and try them.]

XVI. LLANVYLLIN (in modern Montgomeryshire), temp. Ed. I. 'Powysland Club Collections,' iii. 91. The charter of Llewelyn ab Gryfydd ab Gwenwynwyn, confirmed by Edward de Charleton, is, as translated, in identical terms with that to Welshpool above.

The 'Lex Britannia,' to be held as the citizens of Hereford hold it, although the charter makes no mention of the special regulations which belong to the Law of Breteuil as elsewhere explained, must, I think, be again a late and much-mangled reference to the same original. The meaning of the original word, perhaps cut down to Lex Brit' or Bret', would seem to have been wholly lost; the Welsh realise that their boroughs take a law from Hereford, Rhuddlan, and Shrewsbury, which is not the normal English borough law, and they conclude that it is an ancient British law, and christen it Lex Britannia.

Besides the general argument from the immense range of influence the Laws had in Wales, owing to the fact that Hereford, Shrewsbury, and Rhuddlan were taken as normal borough models, there is also reason to expect an early example of the Laws of Breteuil at Welshpool. The first to build its castle was Cadwgan, the tenant of Roger, earl of Shrewsbury, who, in 1100, received part of the Powys lordship as his fief. On the death of his son Owain, 1116, a gap occurs, but from Mareddud, 1132, lord of all Powys, we can trace a lineal descent to the Gryffydd ab Gwenwynwyn who gives to Welshpool the Lex Britannia.

The Llanvyllin charter has been copied from that of Welshpool, its near neighbour. Nothing seems to be known of its early history as a castle or borough, until in Edward I's reign the lord of Powys gave it the same liberties as had been conferred on Welshpool.

MARY BATESON.

(To be continued.)

THE CONSTITUTIONAL POSITION OF COSIMO DE' MEDICI.

In the *Archivio Storico Italiano* for 1899, part iii., Professor F. C. Pellegrini has published for the first time the results of some of his researches among the Florentine state archives, particularly among the reports of the 'Consigli Maggiori' and of the 'Consulte e Pratiche,' in the 'Provvisioni' and in the 'Liber Fabrorum.' Wishing to make the information contained in his paper more accessible to the English student, I have obtained Professor Pellegrini's permission to make a short abstract of its principal part, and also to quote from private letters which he has written to me on the same subject. I am unable here to touch on more than the two chief points which he raises—(1) the system of government in Florence between 1434 and 1464 by means of a series of Balie and committees of Accoppiatori, and (2) the political attitude of Neri Capponi and his relations to Cosimo.

Professor Pellegrini explains whose function it was, during those periods when Florence was being governed according to the recognised constitution, to make the 'scrutinies' and appoint 'Accoppiatori,' and what precisely were the powers and duties of the latter. Normally a large council for the purpose of making a scrutiny was appointed every five years by the ruling Signory and Colleges, and at the same time they nominated a small committee of Accoppiatori, whose business it was to arrange the names of all those who passed the scrutiny in *borse*, according to their respective Arts and Quarters. The only independent function which they exercised was that of selecting among the names of all those who had passed the scrutiny a certain number to put into the *borse* for the Gonfaloniers.

When on special occasions, during important crises, the normal system of government was suspended, the Accoppiatori, sometimes alone, sometimes in conjunction with the ruling Signory, received special power for a limited period to elect *a mano*, as it was called, the Signories, or sometimes the Gonfaloniers only.

Taught in the first instance by Machiavelli, and then by all succeeding writers, it has been universally believed that, throughout Cosimo's rule, except during the short years of 'liberty' between 1455 and 1458, the Accoppiatori continuously held this special abnormal power of electing the Signories. It has been concluded that this power was conferred upon them by the Balie of 1434 and 1444, and renewed by the councils appointed to make scrutinies in 1438 and 1448; that it was conferred again by the Balia of 1452, and, after its lapse in 1455, was finally given them by the Balia of 1458. From his study of the documentary evidence, however,

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Professor Pellegrini has come to the conclusion that, during a great part of the period, the Accoppiatori did not hold this exceptional power, but only exercised their normal and regular function of arranging the scrutinised names in the *borse*. The elections for the Signories of November 1434 and January 1435, and for the first Otto di Guardia appointed after Cosimo's return, were made by a small committee nominated by the Balìa; but after this the normal method of election by lot was resumed, and continued in force uninterruptedly until October 1443; nor was it any way interfered with by the special councils for making new scrutinies appointed in the regular manner in 1438 and in May 1443.

As the council of 1443 which made the scrutiny of the 'Fior d' Aliso' did not give satisfaction to the members of the dominant party, it was soon superseded by that appointed in 1444 to make another scrutiny more agreeable to their views. This council was to remain in office, not for a few months like that of 1434, but for five years (here at last is the first quinquennial council), and its authority was very extensive. It possessed certain financial functions, supreme jurisdiction in state causes, and the power to elect the Otto di Guardia; and it practically formed a supreme council of government during its period of office. At the end of the five years for which it was appointed an attempt was made, but in vain, to prolong its existence.

It is just before the appointment of this council that we first meet with any definite signs of an intention to suspend or modify the ordinary methods of election. In 1443 the ordinary councils had arranged that the Accoppiatori should choose four of the Signory, including the Gonfalonier, in a 'mixed manner combining election by hand and by lot.' This arrangement was continued during the period of office of the council of 1444, and, when that council was dissolved, the governing party succeeded in prolonging it, in spite of the efforts of the opposition to put an end to it.

Otherwise, except that no new scrutiny was made in 1449, the government resumed its normal form until the breaking out of war with Naples and Venice in 1452 led to the appointment of a new council with very considerable powers, including all those possessed by the council of 1444. It was to make a new scrutiny and to have special authority in the conduct of the war. One of its first acts was to arrange that the Signories should be elected entirely *a mano*, by a committee consisting of the old Accoppiatori together with the ruling Signory, Colleges, and Dieci di Balìa, and this arrangement was to last as long as the council which made it should hold office—that is, until six months after the conclusion of the war. Accordingly, six months after the peace of Lodi, when the authority of the council expired, the appointment of the Signories by lot was restored, the Accoppiatori themselves

proposing the resumption of the constitutional method. This continued in force until the parliament of 1458 appointed a large council to make a new scrutiny, and passed various revolutionary measures—the arrangement that for five years the whole Signory were to be chosen *a mano* by the Accoppiatori, and the creation of the famous 'council of a hundred'—amounting altogether to a complete reform of the government in an oligarchical direction. The council of a hundred was to hold even greater powers than the large councils of 1444 and 1452; it was to elect to a number of offices, both internal and external; the functions of the ordinary councils passed to a great extent into its hands, and it remained practically the supreme authority during the latter years of Cosimo's life.

It will thus be seen that during the first nine years after Cosimo's return—from 1434 to 1443—government was conducted according to the normal constitutional methods, and that the regular system of election to the Signory by lot was not very seriously interfered with until the time of the parliament of 1458, excepting during the critical years of war between 1452 and 1454. Hence Professor Pellegrini's discoveries necessitate a considerable modification of the statement of Machiavelli and of all his successors that Florence was governed by a series of Balie and committees of Accoppiatori, and it will be readily granted that the difficult task of analysing the basis of Cosimo's power and explaining his method of government is far from being rendered more simple. If it was no small feat for him to establish so large an authority in Florence with the help of the machinery provided by Balie and Accoppiatori, to have accomplished this without its aid must have been a still greater achievement. For it is to be noted that the date of the establishment of the council of a hundred and of the permanent election of the Signories by Accoppiatori roughly corresponds with the time when Cosimo's power was confessedly somewhat on the wane. Professor Pellegrini's simple explanation of the difficulty is that Cosimo never possessed the authority with which he is usually credited, and had no ambition to obtain such an authority or to found a family power which should dominate the government of the republic, but that he simply aimed at an 'oligarchical government, in which the Medici family should be certain of having a part, together with other principal citizens, not many, but selected from among the most able and expert in political life.' Professor Pellegrini quotes a passage from Rinuccini¹ which certainly seems to imply that the process of preparing Florence for the establishment of a family dominion was initiated by Piero, but, in the face of the assertions and implica-

¹ *Ricordi Storici*, p. cxlvii. But see also p. civ, where he speaks of 'the servitude in which Florence has been ever since 1434.'

tions of contemporaries such as Vespasiano³ and Cavalcanti,⁴ Sforza's envoy Nicodemo Tranchedini,⁴ and Pope Pius II,⁵ I do not find it possible to accept this theory. Further research will, no doubt, be necessary into sources which have as yet been little explored before any thoroughly satisfactory conclusion can be reached.

The second point of importance upon which Professor Pellegrini's researches throw a new light is the attitude of Neri Capponi towards Cosimo and the government. The traditional view that Neri was always Cosimo's rival, secretly if not openly, has been already disproved,⁶ but it is still evident that Neri was not always in agreement with Cosimo on questions of foreign politics. Neri would have clung to the Venetian league long after Cosimo had made up his mind to abandon it. It was Neri who opposed Cosimo's wish for peace with Alfonso in the early part of 1448, mainly because it would have been displeasing to Venice, then Alfonso's enemy. Neri also was one of those who favoured the idea of founding an independent Milanese republic, hoping thus to counteract the danger of either Sforza or Venice becoming too powerful in Lombardy. Yet Professor Pellegrini's evidence seems to show that Neri belonged rather to the moderate party than to the extreme opposition. He did not wish to break with the traditional Florentine policy of alliance with Venice, yet he wished at the same time, if possible, to preserve Sforza's friendship. For this end he was constantly trying to mitigate the enmity between Venice and Sforza, and to create a league in which both of them and Florence should find places. Having negotiated for peace between Venice and Sforza in the early part of 1448, we find him, after the treaty of Rivoltella, proposing such a league in a *Consulta* of 29 Nov. In April 1449 Sforza's envoy writes to his master—

Con Neri ho molto particolarmente esaminata questa faccenda [the League] e accordati a questo et è disposto in ogni caso prestare favore al facto vostro, et dimostrarvi che v'è bono amico e servitore, e vole in qualunche vostre facte essere d' accordo con Cosimo.

In October 1449, when an alliance was made between Milan and Venice, Neri was, of course, anxious that Sforza should accept

³ *Vite di Uomini Illustri*: life of Cosimo, pp. 250, 258; life of Donato Acciaiuoli, p. 336, &c.

⁴ 'Omnia in tutto in lui si riposò, e nella sua volontà' (Cavalcanti, *Seconda Storia*, c. lxxiii., and other similar passages).

⁵ Nicodemo to Sforza, 4 April 1458, 15 July 1458, 2 July 1464. See my *Cosimo de' Medici*, p. 184.

⁶ *Commentarii rerum memorabilium*, ii. 50; cf. *Cosimo de' Medici*, p. 184.

⁷ Passerini, *Arch. Storico Italiano*, Serie III. vol. iii. p. 145; *Cosimo de' Medici*, p. 167.

the terms that they offered him, and that he and Florence should be included in their league. In a *Consulta* held on 11 Nov. Neri expressed his opinion that Florence should adhere to the Venetian alliance and support the creation of a Milanese republic; yet in another *Consulta* on 1 Dec. we find him supporting Cosimo in the opinion that Sforza 'should not be abandoned.' Again, in a *Consulta* of 18 Dec. he proposed that Sforza's opinion should be heard before any decision was made about the Venetian alliance. Finally, there is a letter from Sforza to Cosimo and Neri, dated 23 Dec., in which he writes of them, *che i'o tenuto per miei padri, e che di me e delle cose mie potite disporre come di vostro figliuolo*. After Sforza took Milan Neri, in common with nearly all the Florentines, had no further hesitation in supporting him, and was a member of the embassy sent to that city to congratulate the new duke. It would thus appear that Neri was never one of Sforza's enemies, only that for a long time he continued to maintain that Venice was the more profitable ally, and the one whom it was more dangerous to alienate.

It seems to have been rather in Nerone Neroni, who had been largely instrumental in restoring Cosimo to Florence, that the opposition found a leader among the members of the ruling party itself. Nerone always spoke strongly in the *consulte* in favour of the Venetian league; and, before the conquest of Milan at least, he was supported by his son, Dietisalvi. In a letter dated 7 Dec. 1449 Sforza's envoy wrote:

As for the peace negotiations [between Florence and Venice], Nerone di Nigi, his sons, and others are so much in favour of them that if Dietisalvi had been Gonfalonier during the past two months we should have had much to fear. . . . But, God be thanked, there is our good patron and defender Cosimo, who with much boldness and cleverness has prevented their designs.

However Dietisalvi was one of those converted to the Sforzescan party, which he supported with great energy during the crisis of 1453. As a member of the Dieci in that year he pressed Cosimo's views upon that body, and he was the most intimate confidant of both Cosimo and Nicodemo.⁷ The other principal opponents of Sforza were less influential, though their number and the popular support which they obtained made them formidable. Among them was Girolamo Machiavelli, the victim of the crisis of 1458. Perhaps his punishment then was partly in retribution for his determined opposition to the Medicean foreign policy, as well as for his republican sentiments.

K. DOROTHEA VERNON.

⁷ Letter from Nicodemo to Sforza, 2 May 1453, quoted in Buser, *Die Beziehungen der Mediceer zu Frankreich während die Jahre 1434-1494*, p. 379.

ELIZABETHAN GLEANINGS.

II. *Queen Elizabeth and Paul IV.*

A WELL-KNOWN story about Elizabeth and Paul IV was told by Sarpi,¹ endorsed by Pallavicino,² and believed by Ranke.³ Lingard,⁴ after accepting, saw cause to reject it, and his example has been very generally followed by English historians, though often they manifest their disbelief rather by silence than by contradiction. Still the tale is not quite dead, and I do not know that the evidence which disproves it has ever been fully stated, albeit that evidence lies in obvious places. It is concerned with an important matter—namely, the immediate causes of those ecclesiastical changes which were heralded by the death of Mary Tudor.

It runs thus in Sarpi's history. Elizabeth began her reign with hesitation. She was hurried into decisive measures by the insensate arrogance of the pope. Sir Edward Carne was residing at Rome as Mary's ambassador. The new queen sent him letters of credence, and bade him announce to the pope her accession to the throne. Thereupon Paul broke into reproach and menace. She was a bastard, England was a papal fief, and her assumption of the crown was insolent usurpation. Nevertheless, if she would submit herself to his discretion, he would do in her favour all that was compatible with the dignity of the holy see. Many people, says Sarpi, thought that this rude reception of Elizabeth's advances was due not only to Paul's imperious temper, but also to the solicitations of the French, who were concerned to prevent a marriage between the queen of England and the king of Spain. Then, having suffered this rebuff, Elizabeth decided to have no more to do with Rome, and allowed the English protestants to have their way.

Pallavicino accepted Sarpi's facts, but defended the pope's conduct. Rude Paul might have been, and tactless; but Elizabeth was a hypocrite, and substantially the pope was in the right. Lingard at one time apologetically told his readers that 'it was the misfortune of Paul, who had passed his eightieth year, that he adopted opinions with the credulity and maintained them with the pertinacity of old age.' Afterwards the catholic doctor found reason to withdraw his well-turned sentence.

Now this was a lifelike story. Had it not been lifelike, Sarpi would not have told, Pallavicino would not have endorsed, Ranke would not have believed it. There was a real danger that Pope Paul would do just what he is said to have done. This danger was

¹ *Hist. Conc. Trid.* ed. 1620, p. 333; transl. Le Courayer, ii. 53.

² *Vera Conc. Trid. Hist.* ii. 532.

³ *Englische Geschichte*, i. 301.

⁴ *Hist. Engl.* ed. 1823, v. 146; ed. 1854, vi. 3.

evident to Feria in England. A week after Elizabeth's accession he wrote thus to his master, King Philip:—

I am very much afraid that if the queen do not send her obedience to the pope, or delay doing so, or if he should take it into his head to recall matters concerning the divorce of King Henry, there may be a defect in the queen's title, which, more than anything else, will upset the present state of affairs in this country.⁵

Paul was imprudent enough for anything. Even if Elizabeth did all that a catholic sovereign should do, it was quite possible that the hot-headed old man would fling her bastardy in her face, and declare that England was a fief moving from St. Peter. At the moment he was asserting that, without his sanction, Charles V's abdication of the empire was a nullity, and he was doing all that mortal pope could do to drive the patient Ferdinand into Lutheranism.

Perhaps it was just this that prevented some such explosion as that which Sarpi has recorded. Paul had one great quarrel on his hands, and even he—for he was human—could hardly afford another. As a matter of fact during the months that will concern us he was showing some desire to stand well with the Spanish while he denounced the Austrian Hapsburg, and a declaration in favour of Mary Stuart's claim to the English crown would have been very much like a declaration of war against Philip. Little good had come to Pope Paul of his alliance with France; and the ascendancy of his nephew Carlo Caraffa, whom we shall see as the French advocate, was almost at an end.

Be all this as it may, Sarpi's story cannot be true.

Let us remember that Elizabeth became queen on 17 Nov. 1558. Now it is apparent in notes written by Cecil during the first hours of the new reign that no sooner was Mary dead than he was thinking of the embassies that must be sent to foreign potentates. Not only was the pope included in his list, but, having mentioned the emperor before the pope, the exact minister was at pains to correct his mistake and to give the accustomed precedence to the holy father.⁶ These notes may have been written before Cecil had met his young mistress. Then it is apparent from other notes that this project was abandoned or suspended.⁷ Envoys were to go to Ferdinand and Philip and some other friendly powers; but seemingly there was to be no mission to Rome.

To the first weeks of the new reign we must attribute the remarkable paper of advice tendered by Richard Goodrich.⁸ Some

⁵ *Spanish Cal.* 1558-67, p. 6; Kervyn de Lettenhove, *Relations Politiques*, i. 309. ⁶ *Domestic*, vol. i. no. 2 (MS.)

⁷ Nothing of the pope in the paper ascribed to 18 Nov.: *Domestic*, vol. i. no. 3 (MS.)

⁸ *Domestic*, vol. i. no. 68 (MS.) Froude made good use of this discourse, but has not referred to the portion that will concern us.

part of the counsel that he gave was rejected. It was extremely cautious counsel. He did not believe that the parliament which was being summoned could be induced to abolish the papal and restore the royal supremacy over the church. What the estates of the realm actually did a few months afterwards was, in his eyes, something too good to be expected. This estimate of affairs, made by an able man who lived in their midst, should be weighed by those, if such there be, who think that Elizabeth's revolt from Rome was an inevitable concession to an irresistible demand. But one part of Goodrich's advice seems to have been taken, that, namely, which is given in the following words:—

I would also . . . have letters sent to the agent there [*i.e.* at Rome] to continue his residence, and to advertise as occasion shall be given without desire of any audience, and, if he should be sent for, that he should signify that he understood from hence that there was a great embassy either despatched or ready to be despatched for the affairs, whose despatch I would should be published with the persons' names, and yet treated so as it should pass for the most part of next summer, and in the meantime to have good consultation what is to be done at home, and do it, and thereafter send.

The plan is that Carne is to have no new letters of credence, but is to remain at Rome as an 'intelligencer,' and, if pressed by inquiries, is to say that a grand embassy is coming. The mission of that embassy can be delayed until the parliament is over, and meanwhile Elizabeth can make her own arrangements untroubled by an embarrassing correspondence with his holiness.

The rest of the story can be told by notes of letters and events.

1 Dec. 1558.—A letter is sent to Carne at Rome, telling him that, 'as he was theretofore placed there as a public person by reason of his ambassade,' he is not to act as solicitor in a certain matrimonial suit that is depending before the curia.⁹

17 or 18 Dec.—Carne has just heard of Elizabeth's accession, and writes to congratulate her.¹⁰

20 Dec.—Probably a letter is sent to Carne in the sense advised by Goodrich—namely, to the effect that, if asked about this matter, he may say that a grand embassy is being prepared. The contents of this letter, which does not seem to be forthcoming, we learn in a manner that will be explained hereafter.¹¹

25 Dec. *Carne to Elizabeth*.—He sends some Italian news, and also informs her that the pope intends to depose the three Lutheran electors and give their dominions to catholic princes.¹²

25 Dec.—Elizabeth refuses to witness the elevation of the host, and thus chooses a great festival of the church for an act

⁹ *Foreign*, 1558-9, no. 56.

¹¹ See below under 16 Feb.

¹⁰ *Ibid.* 1558-9, nos. 123, 162.

¹² *Foreign*, 1558-9, no. 123.

which must, at this moment, be regarded as a display of unequivocal protestantism.

25 Dec. *The Bishop of Angoulême to the King of France.*—With great difficulty the bishop has obtained an audience of the pope. Paul cannot believe that Elizabeth will wish to marry Philip, but will not promise to refuse a dispensation.¹³ It seems quite clear from this interesting letter that Paul had not pronounced, and was not prepared to pronounce, against Elizabeth's title to the throne. The French ambassador did not, according to his own account, say a word about bastardy or about the hereditary right of the dauphiness. He contented himself with the endeavour to prevent a marriage between Elizabeth and her brother-in-law, and even in this modest enterprise was not very successful, for the pope would make no definite promise. Also it seems clear that at this moment Paul did not suspect—and indeed he had little reason for suspecting—that the English queen was joining the number of the schismatical and heretical princes. He talked kindly of her, and could not believe that she was foolish enough to marry a Spaniard.

31 Dec. *Carne to Elizabeth.*—A mutilated letter which was thus summarised in England:—

Sir Edward Carne (ambassador resident at Rome from Queen Mary, and after by a letter from her majesty continued) writeth unto her that the ambassador of France laboureth the Pope to declare the queen illegitimate. Cardinal Caraffa is their instrument. The French likewise labour to withdraw the king of Spain, if they can, from affecting the queen of England.¹⁴

31 Dec. *Carne to Cecil.*—He offers his services to the queen, though he would like to be recalled. He desires to know the queen's pleasure, as his old commission has expired. [He has not as yet received the letter of 20 Dec.]¹⁵

25 Jan. 1559.—The English parliament meets, and by this time it is abundantly plain in England that the queen means to abolish the papal supremacy. Any further dissimulation at Rome would be useless.

1 Feb. *Resolution of the Queen's Council.*—A letter is to be sent to Carne telling him that he is to come home, as there is no cause why he should remain at Rome.¹⁶ On 4 Feb. the letter is sent.¹⁷

15 Feb. *Bull 'Cum ex Apostolatus,'* declaring that heretical princes are deposed by the mere fact of heresy.¹⁸

16 Feb. *Carne to the Queen.*—He had written on the 11th. The French here can obtain nothing from the pope against her; 'be [Paul] has such respect to herself and her realm that he will

¹³ Ribier, *Mémoires*, ii. 776.

¹⁴ *Foreign*, 1558-9, nos. 160, 161.

¹⁵ *Ibid.* no. 162.

¹⁶ *Ibid.* no. 299.

¹⁷ *Ibid.* no. 474.

¹⁸ *Magnum Bullarium* (Luxemb. 1727), i. 840.

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attempt nothing against either unless occasion be given therehence [*i.e.* from England].’ The pope means to send a nuncio, but waits until an ambassador shall come from Elizabeth.¹⁹

An abstract of the last-mentioned letter runs thus: ‘A nuncio intended for England, but stayeth until the queen first sendeth to the pope, according to the message he [Carne] had delivered by the queen’s directions by her letters of 20 Dec.’²⁰ It is thus that we learn of the letter of 20 Dec. and of the attempt to keep the pope quiet by talk of a coming embassy.

10 *March*.—Carne receives the letter of 4 Feb. which recalls him. He then tries to obtain from the pope licence to leave Rome, giving various excuses—for example, that he wants to see his wife and children and will soon return. He learns, however, from Cardinal Trani that Paul knows of the recall.

21 *March*.—Trani tells Carne that the pope is ‘sore moved’ and will not hear of Carne’s departure.

27 *March*.—Trani tells Carne that the pope forbids his departure, since Elizabeth and her realm have revolted from obedience to the Roman see.

1 *April*. *Carne to Elizabeth*.—He tells of his detention. From this letter are derived the facts stated in our last three paragraphs. That Carne reports them accurately must not be assumed.²¹

3 *April*. *Carne to Elizabeth*.—Again he tells how he is detained and is compelled by the pope to take charge of the English hospital at Rome. ‘He perceives the French have obtained somewhat of their purpose the month before, but in what particular he cannot learn.’²²

24 *April*. *Philip to Feria*.—As Elizabeth has refused the title of ‘supreme head’ when it was offered to her, there may still be some hope. Seeing this, and seeing how damaging it would be if the pope were to declare her a bastard, which he might decide to do, ‘since I am not to marry her,’ I have endeavoured to stay his hand by assuring him that there are hopes of her amendment.²³

30 *May*. *Throckmorton to Cecil*.—He has heard from the Venetian ambassador at the court of France that Carne was a willing prisoner at Rome, and thankfully accepted the charge of the hospital.²⁴

Now from all this it seems plain enough that Sarpi’s story is radically untrue, and Pallavicino’s defence unnecessary. Whether Paul ever made any attack against Elizabeth on the score of her base birth is very doubtful. That he never made any public and solemn attack against her on that score, or even on the score of

¹⁹ *Foreign*, 1558–9, no. 381.

²¹ *Ibid.* no. 474.

²² *Spanish Cal.*, 1558–67, p. 60; Kervyn de Lettenhove, *Relations Politiques*, i. 508.

²³ *Foreign*, 1558–9, no. 789.

²⁰ *Ibid.* no. 333.

²⁴ *Ibid.* no. 492.

heresy and schism, is fairly certain : many would have preserved copies of a bull that denounced her, whether as heretic or as usurper. But at least it should be indubitable that she was not driven into protestantism by his insults. Apparently he did and said nothing against her until he learnt that she was withdrawing her minister from his court, and that her talk of sending an embassy had been deceitful.

Whether she was one of the people who were in his mind when the bull that is dated on 15 February was being prepared would be a delicate question. Primarily he was thinking of the three protestant electors who had dared to take part in the choice of an emperor. In the background may have stood Maximilian, who was leaning towards Luther, and Anthony, who was leaning towards Calvin. We should suppose that by the middle of February Paul had heard of a scene enacted in a royal chapel on Christmas Day by a young actress, who planned her scenes with admirable art. Still even at the date of the bull Carne was saying that the pope was Elizabeth's friend, and to find a reason why the ambassador should lie about this matter would not be easy. Not until later would the pope have serious cause to doubt the truth of Philip's repeated assurances that all would go well in England, and already the miserable man had on his hands his own scandalous nephews, besides a wrongfully elected emperor. But even if it were in some sort true that 'Cum ex Apostolatus' was aimed at Elizabeth as well as some other people, still no names were named in it, and if, according to canonical reckoning, her reign ends in the spring of 1559, that is not because King John held England of Pope Innocent, nor because King Henry and Queen Anne were adulterers, but because Elizabeth, as she had frankly admitted, was a heretic : *porque era erege*.²⁵ Sometimes truth speaks through truthless lips.

When did Elizabeth's reign end? I do not know. English historians, so far as I have observed, say nothing of Paul's bull, and I gather from the 'Bullarium' that it may not have been 'published' in the technical sense of that term.²⁶ At a later date the English catholics were told that the question whether an heretical prince was *privatus lata sententia* or merely *privandus sententia ferenda* was a somewhat doubtful question, and therefore it was somewhat doubtful whether Elizabeth was queen until Pius V denounced her. According to a 'probable opinion' his denunciation merely declared to the world an effect which her heresies had produced without the aid of any sentence ;

²⁵ *Spanish Cal.* 1558-67, p. 37 ; Kervyn de Lettenhove, *Relations Politiques*, i. 475.

²⁶ It was confirmed in 1586 by a bull of Pius V—*Inter multiplices* (*Bullarium*, ii. 214 ; Hinschius, *Kirchenrecht*, v. 682).

but the contrary was said to be 'the commoner opinion.'²⁷ Be that as it may (and with such subtleties we had better not meddle), we have little reason for accusing Paul V of striking Elizabeth before, or even after, he was stricken.

Who started the story that Sarpi told? There were times when Elizabeth explained to the right people—to Spanish ambassadors and the like—that in the early days of her reign she had been forced to seem less catholic, more protestant, than really she was. Whatever else she may have been, she was a great storyteller, and I am not sure that this lifelike legend of a reasonable young woman and an impracticable old pope would have been unworthy of her genius.

By way of appendix to a paper which perhaps has repeated too much that is generally known, I will add an account of Elizabeth's Christmas escapade which is lying among the 'Roman Transcripts' at the Record Office. At this moment I am not able to describe the source whence this extract was taken, but apparently we learn that the news of Elizabeth's unfinished mass and of her almost contemporary edict touching epistle and gospel soon reached Rome. As we should expect, the story was improved by transmission; but to me it seems that very fairly might the as yet uncrowned queen be charged at Rome with having openly declared herself a heretic (or in the Italian of the time a Lutheran) if, rather than witness the elevation of the host, she ostentatiously quitted her chapel.²⁸

F. W. MAITLAND.

Corsini 38 F 6. Diario Pontificum. 1527-1561.
1559.

La Regina d' Inghilterra finalmente di questo mese (Gennaro) si dichiara Luterana, e fece un decreto che non se douesse predicar altro che l' Evangelio e l' Epistola di San Paolo, et essendo alla messa non uolse stare a ueder consecrare, anzi uolse impedire il uescouo che non consecrasse, e permise a ciascuno di uiuere a suo modo sin tanto che ella dichiaraua per decreto il [*sic*] Parlamento che si hauesse da uiuere nella uera e pura fede, qual intendea, secondo che dicono i Luterani.

Il Re Filippo fece intendere alla detta regina, che poi ch' ella non uoleua uiuere catolicamente, ch' egli le protestaua, che non uoleua hauerla piu per confederata, ne tener conto delle cose di quel regno d' Inghilterra.

7 Marzo.

Le cose della religione in Inghilterra andauano di male in peggio, et haueuano fatti Inquisition contra Papistam [*sic*] che cosi si chiamauano questi heretici.

²⁷ ENG. HIST. REV. vii. 87 (Answer to Question 14).

²⁸ The evidence is good. See Feria's letter, *Spanish Cal.* 1558-67, p. 17; Kervyn de Lettenhove, *Relations Politiques*, i. 365; Il Schifanoja's letter, *Venetian*, 1558-80, p. 2; Letter of Sir W. Fitzwilliam, Ellis, *Orig. Letters*, sec. ser. ii. 262; extracts printed in Bridgett and Knox, *Queen Elizabeth and the Catholic Hierarchy*, p. 65.

THE SECRET ARTICLES OF THE TREATY OF AMIENS.

At the close of the 'Histoire des Négociations des Traités de Morfontaine, Lunéville et d'Amiens' Baron Ducasse publishes the following secret articles of the treaty of Amiens between Great Britain and France :—

Art. I. La Commission dont il est fait mention dans l'article II. [du Traité] ne pourra être nommée que par le concours spontané des parties contractantes.

Art. II. Les Troupes françaises évacueront Otrante lorsque l'Île de Malthe sera évacuée par les forces de Sa Majesté Britannique.

These articles are stated (p. 342) to be additional to the 'separate article' between Great Britain and France, which refers to the omission of certain titles in the definitive treaty, and to that between France and the Batavian republic, both of which are quoted by Martens and Garden, and need not be repeated. These authorities, however, do not quote the articles cited above; and, as Article II. affects our good faith in the matter of the retention of Malta, I propose to examine here the question of its authenticity. At the outset I would disclaim any intention of casting the slightest suspicion on the character of Baron Ducasse's work. But historical students are liable to be imposed upon by documents, and I believe that in the present case that able writer has been misled by some document of which temporary use, at all events, seems to have been made. Wishing to sift the matter to the bottom, I have searched the archives of our Foreign Office, and have examined all the copies of the treaty of Amiens in our Public Record Office. As the articles in question would concern only England and France, they would come, if anywhere, in the Anglo-French treaty. The originals of this document are two—the protocol signed on 27 March 1802 by the plenipotentiaries of all the contracting powers, and our final copy of the Franco-British treaty, a beautiful specimen of penmanship and design, to which are appended the signatures of Bonaparte, Talleyrand, and Maret. To neither of these are the secret articles added which are quoted above, and there is no trace of them in any of the documents referring to the treaty. All treaties, and all parts of treaties, that are genuine must be held by both the contracting parties; and the absence of these articles in the British documents would of itself disprove their genuineness.¹

But there is also circumstantial evidence that points to the same conclusion. The letters of Cornwallis, our plenipotentiary at

¹ I must here acknowledge the courtesy of the officials of our Foreign Office and of the Public Record Office in facilitating my search and giving all possible information.

Amiens, to Joseph Bonaparte, as quoted by Baron Ducasse (11 March 1802), show that Cornwallis approved of the retention of French troops in the peninsula of Otranto as long as English troops held Malta, but that our government very decidedly objected to that proposal. If we may credit Joseph Bonaparte's letter to Talleyrand of 18 March 1802, Cornwallis was 'much afflicted' at their decision, and it is clear that the French and Dutch plenipotentiaries did their best to breed discord between our government and its envoy. Yet it is equally clear that the Addington ministry held firm on this point, for Cornwallis, in his despatch to Downing Street, dated 13 March 1802, reported as follows :—

. . . . At my meeting yesterday with Mr. (*sic*) Joseph Bonaparte, he acquainted me with the final Acquiescence of his Government in the just Demand made by His Majesty of the Ottoman Porte being admitted as an acceding Party to the definitive Treaty, and he consented to withdraw his Pretension altogether on the subject of the French Troops remaining in the Neapolitan States till Malta should be evacuated by the British, upon my agreeing to insert in the Paragraph (the 4th) of the Article respecting Malta, which stipulated the Evacuation, the words *ou plutôt, si faire se peut*, after the word *Ratifications*.²

The remaining despatches show that Joseph Bonaparte did not again bring forward the question, which he then surrendered as a proof of the condescension of his government; and the official despatches therefore confirm the evidence of the copies of the treaty as to the spuriousness of Article II., cited by Baron Ducasse. Moreover in the diplomatic correspondence that followed on the Maltese affair it was always assumed by our foreign minister, Lord Hawkesbury, that the question of Malta was quite unconnected with that of the occupation of Otranto. Thus he wrote to Admiral Warren, our envoy at St. Petersburg, on 21 March 1803—

It will not have escaped your Excellency that by the Treaty of Amiens the evacuation of the Kingdom of Naples is in no respect connected with the Arrangement of Malta. That evacuation is stipulated to take place at the same period as the other evacuations in Europe, and especially that of Porto Ferrajo; but even if this were otherwise the French Government were antecedently bound by the Treaty of Florence to withdraw their Troops from the K^m of Naples in a year from the period of its signature, and they engaged in their Treaty with the Emperor of Russia to respect the Independence and Neutrality of His Sicilian Majesty's Dominions as soon as the fate of Egypt was determined . . .³

I have not found any similar proofs of the spuriousness of Article I., which relates to the commission for assessing the money claims for the support of the enemy's prisoners. These claims were

² In P. R. O., vol. 616, also in the *Cornwallis Correspondence*, vol. iii.; see too *Pièces Officielles relatives aux Préliminaires de Londres et au Traité d'Amiens*, p. 290 (Paris, 1803).

³ F. O., Russia, no. 51.

vigorously urged at first by our government, which had supported a great number of French and Dutch prisoners for several years : but its ardour was cooled by the ironical statement of Talleyrand and Joseph Bonaparte that a French counter-claim was being prepared of their expenses incurred in the support of all prisoners taken from the forces subsidised by Great Britain, a charge which 'would probably not leave a balance so much in favour of His [Britannic] Majesty as His Government may have looked forward to.' The retort was not really so terrible as it seemed on the surface, for it appears that many of the papers showing the expense of supporting Austrian, German, and Sardinian troops had been lost or destroyed during the Revolution. Nevertheless it daunted the aged and feeble Cornwallis, who at once referred to the British claim as 'a hopeless debt.'⁴ And though our government urged him to contest the validity of the French claim respecting prisoners made from forces that were merely subsidised, and not led, by us, he seems thenceforth to have dropped the matter. A despatch of 2 March 1802 from Downing Street expressed 'much dissatisfaction' at the course of the negotiations, and pressed him to insist on the indemnity for the support of French and Dutch prisoners. Yet on 14 March Lord Hawkesbury gave way so far as to suggest the appointment of a commission for the settling of the claim and counter-claim, recognising our responsibility for prisoners made by France from forces subsidised and officered by us. To this the First Consul seems to have assented, if we may trust a rather curt letter of Talleyrand to Joseph Bonaparte.⁵ The matter, however, was left in a somewhat vague state, and it seems that Cornwallis did not give effect in the treaty to the last instructions from Downing Street, those of 22 March, where each side felt its claim to be rather indefinite or liable to be swamped by a larger counter-claim. A commission was evidently a device for shelving the whole question ; and it never met. There was no need for a secret article to specify this. And I regard Article I., cited above, as merely intended to give weight and an appearance of naturalness to the more important Article II. The peace of Amiens was a truce rather than a peace, and both sides were not loth to keep open a question like this of the prisoners. We find Admiral Warren at St. Petersburg, at the close of April 1803, using this non-payment of our expenses incurred for French prisoners as a retort when he was twitted with the irregularity of our proceedings at Malta.

It may be of interest to advance an explanation of the probable reason why Article II. should have been represented by the French Foreign Office as a genuine secret article. When Bonaparte was surprised at the rather sudden change of the Addington ministry,

⁴ Despatches of 10 and 23 Jan.

⁵ Ducasse, *Négociations, &c.*, p. 318.

in Jan.—May 1803, from weakness and vacillation to a stern and almost menacing demeanour, the idea occurred to him or to Joseph Bonaparte, at the last moment, of allowing us to keep Malta for ten years, provided that France should again occupy the peninsula of Otranto for that period.⁶ He desired by almost any devices to defer the outbreak of war until his fleet was ready to give force to his forward colonial and oriental policy. The secret instructions which he gave to General Decaen on the departure of that officer to the East Indies show that he contemplated the outbreak of war for the 1st of Vendémiaire, an XIII (*i.e.* 23 Sept. 1804).⁷ The English might have Malta, if they would let him hold the commanding positions on the 'heel' of Italy. And this he instructed Talleyrand to propose.⁸ Not even this offer allured the British government, which by that time had fathomed some at least of Napoleon's designs. But the outbreak of war gave him the chance of carrying out the Otranto plan. St. Cyr was at once sent to the Gulf of Taranto with a corps which did good service in alarming the British government and Nelson as to Egypt and the Morea; and he received orders publicly to justify this invasion of neutral territory by referring to the perfidy of England; and '*le besoin de maintenir notre commerce et de conserver l'équilibre nous oblige à occuper ces positions, que nous garderons tant que l'Angleterre persistera à garder Malte.*'⁹ The French troops were to be paid, clothed, and supported by the king of Naples, and a treaty was to be signed to that effect. Now, the signature of a treaty implied the legalising of the French position in Naples, and the cloak of legality could not be thrown over this violent act unless England could be proved to be as bad, and to be responsible in large measure for the action of France. I think it highly probable that the secret articles were forged in order to give this show of legality, or at least of reasonableness, to Napoleon's action. The assertion, and possibly the showing, of a secret article like No. II. is just the sort of device which might be expected from Talleyrand in order to smoothe matters over with the Neapolitan government. Our envoy at Naples, Mr. à Court, had reported on 20 April that the French ambassador was seeking to press a French alliance on the king of Naples, in order that France and Naples might drive England from Malta.¹⁰ This was foiled by General Acton, and Napoleon's spleen against this Englishman found vent in his letter of 28 July 1803 to the queen of Naples, in which he lays to the charge of her prime minister all the evils of her country.¹¹ By one means or another the First Consul was determined to exploit the resources of Naples

⁶ *England and Napoleon*, edited by O. Browning, pp. 237 and 245.

⁷ See M. Dumas's *Précis des Événements Militaires* (xi. 189).

⁸ *Corresp.* no. 6740.

⁹ *Ibid.* no. 6763.

¹⁰ F. O. Records (Sicily and Naples, no. 54).

¹¹ *Corresp.* no. 6951.

and to have that commanding position of the heel of Italy, where he could menace Corfu, the Morea, and Egypt; and it seems more than probable that the secret article quoted by Baron Ducasse was a diplomatic device for throwing on England the responsibility for an action which was dictated by policy and by the desire of sending Nelson always *eastwards* in pursuit of any squadron that escaped from Toulon.

J. HOLLAND ROSE.

A LIST OF PRINTED CHURCHWARDENS' ACCOUNTS.

A LARGE number of churchwardens' accounts, or at least extracts from them, have been printed at various times, either as part of the history of the parish to which they belong, or separately in local magazines or archæological journals. No list, however, of such publications has yet been made, and that which is printed below is merely a beginning, and does not pretend to be complete in any way.¹ I shall be grateful for any addition, but I hope that in its present form it may at least save some time to other workers.

The order is chronological, as being the most useful for historical purposes, but unfortunately many rolls are missing and the two dates given do not always mean a continuous series of accounts. In giving the references I have omitted to cite the page where the extracts continue throughout the book or where the accounts may be easily found in the list of contents.

The rolls of Bassingbourne, Cambridgeshire, from 1498 to 1540, should perhaps be included in this list, for the accounts have been transcribed by Mr. A. Rogers, and his copy is open to access in the Cambridge University Library.

ELSBETH PHILIPPS.

1349-1575	St. Michael's, Bath	By the Rev. Preb. Pearson. <i>Journal of Somerset Archæol. Society</i> , 1877, 1878, 1879, and 1880 By Bp. Hobhouse. <i>Somersetshire Accounts</i> . Somerset Record Soc. iv. 1890	Rolls printed in extenso.
1350-1477	St. James', Hedon	By J. R. Boyle. <i>History of Hedon</i> . Hull, 1895	One roll in extenso, with excellent preface and notes.
1371-1547	St. Augustine's, Hedon	— — —	Rolls nearly complete from 1395.
1379-1475	St. Nicholas', Hedon	— — —	One roll in extenso, with further extracts. 1379-80 in extenso.

¹ My attention has been directed to a list of accounts of various sorts, compiled by B. L. Hutchins, in *Notes and Queries* for 1899, and to this I am indebted for several additional entries, which I have ventured to include here with their dates in chronological order.

1385-1725	Tavistock . .	By R. N. Worth. <i>Calendar of the Tavistock Parish Records</i> . Printed at Plymouth, 1887	In extenso, but many rolls missing.
1392-1633	St. Peter's, Cheapside	By the Rev. W. Sparrow Simpson. <i>Journal of Brit. Archaeol. Assoc.</i> xxiv. 248	Summary and extracts only.
1410-1883	St. Lawrence's, Reading	By the Rev. C. Kerry. <i>History of St. Lawrence, Reading</i> . Reading, 1883	Notes and extracts only.
1412-1413	Hythe . . .	By W. A. S. Robertson. <i>Archaeol. Cantiana</i> , x. 242-58. 1876	In extenso, with summary.
1425-1590	St. Petrock's, Exeter	By Robert Dymond. <i>Devon Assoc. for Adv. of Science Transactions</i> , xiv. 402-92. 1882.	Rolls nearly complete.
1427-1557	St. Mary Hill, London	[By John Nichols.] <i>Illustrations of the Manners and Expences of Antient Times in Eng. in the fifteenth, sixteenth, and seventeenth centuries, deduced from the accompts of Churchwardens</i> . London, 1797	Summary and good extracts.
1427	St. Mary's, Stamford	— — —	Very short extracts.
1431-1785	St. Michael's, Bp. Stortford	By J. L. Glasscock, jun. <i>The Records of St. Michael's Parish Church</i> . London. 1882	1431-40 in extenso. Good extracts from other rolls.
1433-1569	Tintinhull, Somerset	By Bp. Hobhouse. <i>Somersetshire Accounts</i> . Somerset Record Soc. iv. 1890	A few rolls in extenso, with further extracts.
1437-1754	Bristol . . .	By J. F. Nicholls and John Taylor. <i>Bristol, Past and Present</i> . Bristol, 1881	Very short extracts from the rolls of fourteen parishes.
1439-1485	Saffron Walden .	By Rich. Lord Braybrooke. <i>History of Audley End</i> . London, 1836	Good extracts.
1440-1560	Yatton . . .	<i>Somersetshire Accounts, ubi supra</i>	A few rolls in extenso, with further extracts.
1443-1662	St. Edmund's, Salisbury	By H. J. F. Swayne. <i>Churchwardens' Accounts of St. Edmund and St. Thos. Sarum</i> . Wilts Record Society. Salisbury, 1896	Rolls in extenso, with good introduction and notes.
1443-1750	Thame, Oxon. .	By the Rev. F. G. Lee. <i>History of the Church of the B. Virgin Mary</i> . London, 1883	A few good extracts.
1450-1696	Walberswick, Suffolk	By Thos. Gardner. <i>History of Dunwich</i> . London, 1754	A few extracts.
1454-1518	St. Ewen's, Bristol	By Sir John Maclean. <i>Trans. of the Bristol and Glouc. Archaeol. Soc.</i> xv. 1890-1891	One roll in extenso, with further extracts.
1456-1608	St. Michael's, Cornhill	By A. J. Waterlow. <i>Accounts of the Churchwardens</i> . London. 1871	Good extracts with preface.
1460-1692	St. Margaret's, Westminster	[By John Nichols.] <i>Illustrations of the Manners, &c.</i> London, 1797	Full extracts.
1461-1612	Melton Mowbray	By Thomas North. <i>Leic. Archit. and Archaeol. Soc. Trans.</i> iii. 180. Leicester, 1872	Full extracts.

1465-1881	All Saints', Derby	By the Rev. J. C. Cox and W. H. St. John Hope. <i>History of All Saints', Derby.</i> London, 1881	A few extracts.
1470	Andover . . .	By C. Collier and R. H. Clutterbuck. <i>Archives of Andover.</i> Part i.	
1470-1749	Ludlow . . .	By Llewellyn Jones. <i>Shrop- shire Arch. and Nat. Hist. Soc. Trans.</i> , 2nd series, 1, 2, 3, and 4. 1889	1st roll undated. 1470-71 in extenso, with further good extracts.
1474-1560	Croscombe . . .	<i>Somersetshire Accounts, ubi supra</i>	Full extracts.
1479-1580	Ashburton . . .	By J. H. Butcher. <i>History of Ashburton.</i> London, 1870	Full extracts with notes.
1480-1481	St. Leonard's, Hythe	By H. T. Riley. <i>Hist. MSS. Comm. Rep.</i> iv. 433	A few extracts only.
1483-1536	St. Mary's, Salterton	By E. Peacock. <i>Archæol. Journal</i> , xxxix. 53.	Careful summary with good extracts.
1484-1530	Bodmin . . .	By Sir John Maclean. <i>Hist. of Parish and Borough of Bodmin.</i> London, 1870 And by the Rev. J. J. Wilkin- son. <i>Camden Soc.</i> vii. 1874	A few extracts. Accounts for rebuild- ing the church, 1469 to 1472
1484-1533	Wigtoft, Lincolnshire	[By John Nichols.] <i>Illustra- tions of the Manners, &c. London, 1797</i>	Full extracts.
1484-1580	St. Dunstan's, Canterbury	By J. M. Cowper. <i>Archæol. Cantiana</i> , xvi. 289, xvii. 77	In extenso, with notes.
1484-1717	Kirton - in - L nd - sey	By E. Peacock. <i>Proc. Soc. Antiquaries</i> , 2nd series, ii. 383	Very few rolls remain, of which scanty ex- tracts printed.
1489-1737	St. Martin's, Leicester	By John Nichols. <i>Hist. and Antiquities of the County of Leicester</i> , i. 569. London, 1795	Good extracts.
— —	— —	By Thomas North. <i>A Chro- nicle of the Church of St. Martin in Leicester.</i> Lon- don, 1866	1544-1646. One roll in extenso.
— —	— —	By the Rev. W. G. D. Flet- cher. <i>Leic. Archit. and Archæol. Soc. Trans.</i> vi. 217	1545-1565. A few short extracts.
1490-1491 and 1652-1729	St. Mary's, Leicester	By Colonel Bellairs and the Rev. W. G. D. Fletcher. <i>Leic. Archit. and Archæol. Soc. Trans.</i> vi. 229, 353, vii. 39, 153	In extenso.
1490-1642	Cratfield . . .	By the Rev. W. Holland. <i>Cratfield Parish Papers.</i> London, 1895	1490-1502 in extenso, with further ex- tracts.
1491-1571	St. Mary de Cas- tro, Leicester	By John Nichols. <i>Hist. and Antiquities of the County of Leicester</i> , i. 309. Lon- don, 1795	Good extracts.
1492-1598	Leverton, Lin- colnshire	By E. Peacock. <i>Archæologia</i> , xli. 332	Good extracts.
1497-1681	Kingston	By the Rev. Daniel Lysons. <i>Environs of London</i> , i. London, 1796; and <i>Hist. MSS. Comm. Rep.</i> iii. 332	A few extracts only.
1502-1547	Stoke Courcy, Somerset	By A. J. Horwood. <i>Hist. MSS. Comm. Rep.</i> vi. 349	Summary and good extracts.
1507-1525	St. Margaret Pat- tens, London	<i>The Sacristy</i> , i. 258 . . .	Roll for 1624 in ex- tensio.

1507-1702	Horley, Surrey .	By A. R. Bax. <i>Surrey Archaeol. Coll.</i> viii. 243	Summary and few extracts.
1508-1530	Pilton, Somerset	By Bp. Hobhouse. <i>Somersetshire Accounts, ubi supra</i>	Good extracts (later rolls, 1584-1642, not yet printed).
1508-1532	Heybridge, Essex	By the Rev. John Pridden. <i>Illustrations of the Manners, &c.</i> London, 1797	Good extracts.
Temp. Hen. VIII.	Bolney . . .	By the Rev. J. Dale. <i>Sussex Arch. Coll.</i> vi. 244	Good extracts.
1509-1545	St. Martin's Out-wich, London	[By John Nichols.] <i>Illustrations of the Manners, &c.</i> London, 1797	Short extracts.
1510-1540	Fordwich, Kent	By J. B. Sheppard. <i>Hist. MSS. Comm. Rep.</i> v. 607	Summary and specimen extracts.
1512-1547	Stratton, Cornwall	By E. Peacock. <i>Archaeol.</i> xlv. 200	Some good extracts, with notes.
1515-1714	Hawkhurst . . .	By W. J. Lightfoot. <i>Archaeol. Cantiana</i> , v. 255	Good extracts.
1517-1519 and 1565-1569	Rainham . . .	By J. W. <i>Archaeol. Cantiana</i> , xv. 333	Good extracts.
1518-1546	St. Giles', Reading	By Canon W. L. Nash. Reading, 1881	Full and good extracts.
1518-1546	St. Michael's, Spurrier-Gate, York	By Samuel Pegge. <i>Illustrations of the Manners, &c.</i> London, 1797	Good extracts.
1519-1520	St. Helen's, Worcester	By the Rev. A. S. Porter. <i>Worcestershire Historical Society.</i> Oxford, 1896	In extenso, with introduction.
1520-1546	Ecclesfield, Yorkshire	By Alfred Scott Gatty. <i>Register of Ecclesfield.</i> London, 1878	In extenso, with notes.
1520-1547	Huntingfield . . .	By B. B. Woodward. <i>Proceedings of Society of Antiquaries.</i> 2nd series, i. 116, 1861	Summary and specimen extracts.
1520-1552	Morebath, Somerset	<i>Somersetshire Accounts, ubi supra</i> And by Rev. S. H. Berkeley. <i>Somerset Archaeol. Soc.</i> xxix. 1883	Good extracts.
1527-1603	Wing, Bucks. . .	By F. Ouvry. <i>Archaeol.</i> xxxvi. 219	Good extracts.
1527-1845	St. Alphage's, London Wall	By G. B. Hall. <i>Records of St. Alphage.</i> London, 1883	Good extracts.
1529-1710	Badsey, dio. Worcester	By the Rev. T. P. Wadley. <i>Midland Antiquary</i> , i. 1882	Good extracts.
1536-1565	St. Mary-on-the-Hill, Chester	By J. P. Earwaker. <i>History of St. Mary-on-the-Hill.</i> London, 1898	A few extracts.
1536-1602	Smarden . . .	By the Rev. F. Haslewood. <i>Archaeol. Cantiana</i> , ix. 224	Good extracts.
1539-1603	St. Michael's-in-Bedwardine, Worcester	By John Amphlett. <i>Worcestershire Historical Society.</i> Oxford, 1896	In extenso, with introduction.
1539-1577	North Elmham . . .	By the Rev. A. G. Legge. <i>Churchwardens' Accounts of N. Elmham.</i> Norwich, 1891	In extenso.
1539-1640	St. Mary Woolnoth, London	By the Rev. J. M. S. Brooke and A. W. C. Hallen. <i>Registers of St. Mary Woolnoth, &c.</i> London, 1886	Good extracts.

1540-1603	Ludlow, Salop .	By Thomas Wright. <i>Churchwardens' Accounts</i> . Camden Society. 1869	In extenso to 1574.
1541-1786	Mendlesham, Suffolk	By J. C. Jeaffreson. <i>Hist. MSS. Comm. Rep.</i> v. 593	A few good extracts.
1544	St. Mary's, Shrewsbury	Owen and Blakeway's <i>Hist. of Shropshire</i> , ii. London, 1825	A few short extracts.
1545-1690	St. Thomas', Salisbury	By H. J. F. Swayne. <i>Wilts Record Society</i> . Salisbury, 1896	In extenso, with good introduction.
1547-1603	St. Matthew's, City of London	By the Rev. W. S. Simpson. <i>Journ. of Archaeol. Assoc.</i> xxv. 356	Summary and good extracts.
1548-1708	South Littleton, dio. Worcester	By the Rev. T. P. Wadley. <i>Midland Antiquary</i> , i. 1882	Good extracts.
1550-1662	St. Mary's, Reading	By F. N. A. and A. G. Garry. <i>The Churchwardens' Accounts of the Parish of St. Mary's, Reading</i> . 1893	Full and good extracts. Preface by Bishop Stubbs.
1552-1602	Stanford, Berks.	By Walter Haines. <i>Antiquary</i> , xvii. 1888	Very full extracts.
1553-1573	St. Margaret's, Leicester	By John Nichols. <i>Hist. and Antiquities of the County of Leicester</i> , i. 560. London, 1795	Short extracts.
1553-1657	Brockdish, Norfolk	By Francis Blomefield. <i>Hist. of Norfolk</i> , iii. 228. Lynn, 1769	Very short extracts.
1554-1672	Eltham . . .	Hasted's <i>Hist. of Kent</i> , i. London, 1886 By G. R. Corner. <i>Archaeol.</i> xxxiv. 51	Full extracts. Full extracts to 1600.
1554-1847	Loddon . . .	By Jas. Copeman. <i>Norfolk Arch.</i> ii. 64	A few extracts.
1555-1591	St. Helen's, Abingdon	By J. Ward. <i>Archaeologia</i> , i. 11 And [by John Nichols]. <i>Illustrations of the Manners, &c.</i> London, 1797	Full extracts
1555-1786	Minchinhampton, Glouc.	By John Bruce. <i>Archaeologia</i> , xxxv. 422	Good extracts.
1556-1673	Mere, Wilts. . .	By Sir R. C. Hoare. <i>Hist. of Wilts.</i> , i. 19. London, 1822	A few short extracts only.
1558-1628	Wootton . . .	By Dean Kitchin. <i>Manor of Manydown</i> . Hampshire Record Society. London, 1895	Good extracts.
1559-1635	Seal	By W. H. Hart. <i>Surrey Arch. Coll.</i> ii. 27	Summary and few extracts.
1560-1669	St. Mary Wool- church Haw, London	By the Rev. J. M. S. Brooke and A. W. C. Hallen. <i>Registers of St. Mary, &c.</i> London, 1886	Good extracts.
1564-1566	St. Thomas', Portsmouth	By W. H. Saunders. <i>Journ. of Archaeol. Assoc.</i> xlv. 257	Good extracts.
1565	Kingsthorpe . . .	By the Rev. J. H. Glover. <i>Kingsthorpiana</i> . London, 1883	One roll only, but given in extenso.
1567-1676	St. Bartholomew Exchange, London	By E. Freshfield. <i>The Vestry Minute Books</i> . London, 1890	Vestry minute books in full, with introduction and notes.
1570-1776	St. Ives	Edited by J. H. Matthews. <i>History of the Parishes of St. Ives, Leland, &c.</i> London, 1892	In extenso, with notes. Minute book from 1726 to 1797.

1571-1677	St. Margaret's, Lothbury	By E. Freshfield. <i>The Vestry Minute Books</i> . London, 1887	In extenso, with introduction.
1574-1676	St. Matthew's, Ipswich	<i>East Anglian</i> . New series, iv. 1891	A few extracts.
1575-1662	St. Christopher's, London	By E. Freshfield. <i>Accompts of the Churchwardens</i> . London, 1885	In extenso, with Minutes of Vestry from 1662 to 1685.
1580-1675	Lindfield . . .	By M. A. Lower. <i>Sussex Archeol. Coll.</i> xix. 36	Short extracts with notes.
1580-1700	St. Oswald's, Durham	By J. Barmby. <i>Surtees Society</i> , vol. lxxxiv. 1888	In extenso.
1583-1795	Loughborough . . .	By the Rev. W. G. D. Fletcher. <i>Hist. of Loughborough</i> . Loughborough, 1883; and <i>Reliquary</i> , April 1873	A few extracts.
	— —	By Thomas North. <i>Church Bells of Leicestershire</i> . Leicester, 1876	A few extracts.
1584-1699	Pittington, Durham	By J. Barmby. <i>Surtees Society</i> , vol. lxxxiv. 1888	In extenso.
1585-1871	Wakefield . . .	By W. S. Banks. <i>Walks in Yorkshire</i> . London, 1871	A few extracts.
1588 only	Milton Abbott . . .	By W. Pengelly. <i>Trans. Devon. Assoc. Science</i> , xi. 213	In extenso, with notes.
1591-1660	Great Wigston, Leicestershire	[By John Nichols.] <i>Illustrations of the Manners, &c.</i> London, 1797	Good extracts.
1592-1669	Houghton-le-Spring, Durham	By J. Barmby. <i>Surtees Society</i> , vol. lxxxiv. 1888	In extenso to 1671. then extracts only.
1593-1613	Great Marlow, Bucks.	[By John Nichols.] <i>ubi supra</i>	Very short extracts.
1594-1652	St. Clement's, Ipswich	<i>East Anglian</i> . New series, iv. 1891	A few extracts.
1597-1706	Hartland, Devon	By H. T. Riley. <i>Hist. MSS. Comm. Rep.</i> v. 572	Some good extracts.
1597-1784	Cartmel . . .	By Jas. Stockdale. <i>Annals of Cartmel</i> . Ulverston, 1872	Good extracts.
1598-1714	Cowden . . .	By the Rev. E. Turner. <i>Sussex Arch. Coll.</i> xx. 91	Short extracts with notes.
1598-1762	Hastings . . .	By T. Ross. <i>Sussex Arch. Soc. Coll.</i> xxiii. 85, for 1871	Extracts only.
1599-1641	Ryton . . .	By J. Baily. <i>Notes and Queries</i> . 8th series, v. 188	A few extracts.
1600	Mellis . . .	<i>Bury and W. Suffolk Arch. Institute</i> , i. 79	A few extracts.
1600-1634	Little Cornard, Suffolk	By Cecil Deedes. <i>East Anglian</i> . New series, i. 268	Scattered extracts.
1600-1709	St. Neot's, Cornwall	By Sir J. H. Lefroy. <i>Archeol. Journ.</i> xlviii. 65	Roll for 1609 in extenso.
1602	Henley, Suffolk . . .	<i>East Anglian</i> . New series, iv. 92	A few extracts.
1603-1643	Toft Monks, Norfolk	By W. J. Ashby. <i>East Anglian</i> . New series, iii. 23	A few extracts.
1610	Yarnton, Oxon. . .	By Mrs. Bryan Stapleton. <i>Three Oxfordshire Parishes</i> . Oxford Hist. Society. 1893	A few extracts.
1612-1674	Chedder . . .	By H. T. Riley. <i>Hist. MSS. Comm. Rep.</i> iii. 329	Good extracts.
1613-1738	Westerham . . .	By G. L. Gower. <i>Parochial Hist. of Westerham</i> . London, 1883	A few extracts.

1621-1739	Basingstoke .	By F. J. Baigent and J. E. Millard. <i>Hist. of Basingstoke</i> . Basingstoke, 1889	Summary and extracts.
1624-1645	Bildestone, Suffolk	<i>Notes and Queries</i> . 2nd series, iv. 222	A few extracts.
1625-1712	Stockton . .	By G. A. Carthew. <i>Norfolk Archaeol.</i> i. 167	Good extracts.
1631-1712	Swainswick, Bath	By the Rev. R. E. M. Peach. <i>Annals of Swainswick</i> . London, 1890	Good extracts.
1633-1892	St. John the Baptist's, Chester	By the Rev. S. Cooper Scott. <i>Hist. of St. John's</i> . Chester, 1892	A few extracts only.
1643-1695	Mavesyn, Ridware	By the Rev. Stebbing Shaw. <i>Hist. and Antiquities of Staffordshire</i> , i. 197. London, 1798	Very short extracts.
1651	Saxilby, Linc. .	<i>Notes and Queries</i> . 1st series, xii. 162	Good extracts.
1656-1809	Hammersmith .	By Thos. Faulkner. <i>Hist. of Parish of Hammersmith</i> . London, 1839	A few extracts.
1659-1857	Enstone . . .	By the Rev. J. Jordan. <i>Hist. of Enstone</i> . London, 1857	Extracts with summary of expenditure, &c.
1660-1789	Bilston . . .	By Geo. T. Lawley. <i>History of Bilston</i> . Bilston, 1893	A few scattered extracts.
1664-1773	Greenwich . .	Hasted's <i>Hist. of Kent</i> , i. 1886	Good extracts.
1664-1778	St. Giles's, Durham	By J. Barmby. <i>Surtees Society</i> , vol. lxxxiv. 1888	In extenso.
1665-1795	Sprowston . .	By the Rev. W. J. Stracey. <i>Norf. Archaeol.</i> i. 39	A few extracts.
1665-1798	Deptford . . .	Hasted's <i>Hist. of Kent</i> , i. 1886	Good extracts.
1665-1703	St. Nicholas's, Durham	By J. Barmby. <i>Surtees Society</i> , vol. lxxxiv. 1888	In extenso.
1679-1837	Edenbridge . .	By G. Leveson-Gower. <i>Archaeologia Cantiana</i> , xxi. 118, 1895	Full extracts.
1683-1728	Kensington . .	By Thos. Faulkner. <i>Hist. of Kensington</i> . London, 1820	A few extracts.
1693	Cardington, Salop	<i>Shropshire Archaeol. Soc.</i> iv. 317	A few extracts.
1696-1846	Hawkshead . .	By H. S. Cowper. <i>Hist. of Hawkshead</i> . London, 1899	Good extracts from 1751
1696-1803	Woolwich . . .	Hasted's <i>Hist. of Kent</i> , i. 1886	A few extracts only.
1709-1812	Charlton and Kidbrook	Hasted's <i>Hist. of Kent</i> , i. 1886	A few extracts only.
1755-1890	Ashmore . . .	By the Rev. E. W. Watson. <i>History of Ashmore</i> . Gloucester, 1890	Summary and specimen extracts.
1758-1782	Colton	By the Rev. A. A. Williams. <i>Rural Deanery of Cartmel</i> . Ulverston, 1892	A very few extracts only.
1763 only	Darenth, near Dartford	By the Rev. R. P. Coates. <i>Archaeol. Cantiana</i> , vi. 325	A few extracts.
1767-1824	Alwington, Devon	By H. T. Riley. <i>Hist. MSS. Comm. Rep.</i> v. 597	A few extracts.

Reviews of Books

A History of the Law of Nations. By T. A. WALKER, M.A., LL.D.,
Fellow and Tutor of Peterhouse, Cambridge. Vol. I.: From the
Earliest Times to the Peace of Westphalia, 1648. (Cambridge:
University Press. 1899.)

CONVINCED that in the prosecution of the historical method will be found the only really satisfactory way to the right understanding of the character and claims of international law, I have embarked upon the attempt to write a brief history of the foundation and development of international law as a science. I have, in the present volume, endeavoured to trace the gradual evolution of the state system of the modern civilised world, and to mark the sources of that composite law of nations of which Grotius, in the seventeenth century, is commonly deemed to have been the father.

The least consideration of the matter and claims of international law will approve the method prescribed by the author in his preface, and the inspection of a lawyer's library will demonstrate the value of his enterprise. Neither Ward nor Wheaton is an adequate guide; and Dr. Walker must be congratulated on adding himself to the number of 'those most excellent persons who have joined policy to law.' For the execution of the first instalment of his work it is sufficient praise to say that this volume will be found equally indispensable to the lawyer and the historian. Such blemishes as there are seem rather those of omission. The international—or, to speak more precisely, the interpolitical—law and custom of Hellas might have been handled, however briefly, with a juster sense of proportion. Even if Dr. Walker be allowed to endorse Thirlwall's verdict that the war practice of the Greeks was terribly severe, it is fair to ask that a catalogue of atrocities should be followed by some recognition of the well-established custom of ransom, and that the obvious reason for the severity displayed against the defenders of walled cities should be at least indicated. That notable precedent of *ius belli*, the Lelantine war—the first civilised war—should certainly not have been omitted: συνέθεντο ἐφ' οἷς συστήσονται τὸν ἀγῶνα· δηλοῖ δὲ καὶ ταῦτα ἐν τῷ Ἀμαρυνθίῳ στήλῃ τις φραζοῦσα μὴ χρῆσθαι τηλεβόλους. If the treatment of the law of war is too biassed, that of the law of peace is far too faintly indicated. The institution of *προξενία*, only hinted at in p. 40, deserves fuller treatment. There is no word of the common practice of arbitration. Ἴσσοπολιτεία, συμπολιτεία, σύμβολα, and their implications find no place. Although the author rightly observes that Hellenic maritime history begins with *Mare Clausum*, he has missed a very pertinent reference to the Athenian claim in Thucydides, v. 56. The

treatment of Roman rule and practice affords less matter for criticism. One might indeed wish that *ius fetiale* and *ius belli* should have been despatched before *ius gentium*; and a note on the early ambiguity of the word *hostis* should certainly have been added on p. 44.

But the greater part of the volume demands no such detailed criticism. The outline of European history from the Roman empire to the triumphant appearance of the work of Grotius is ably and broadly sketched; the emphasis is distributed with a just hand; the issues of international debate, as they are forced into prominence by historical conditions, are marked and pursued; the leading authorities yield a series of copious, clear, and conscientious analyses, which will certainly evoke the student's gratitude. For Grotius the author entertains a warm yet judicious admiration. What could more felicitously express the spirit which animated his purpose and controlled his method than the following sentences?

Grotius, taking the stern figures of Practice and National Independence, draped these in the coverings of Conscience and Good Opinion. Behind his Law of Nations he never lost sight of the Law of Nature, with the approving and attesting witness, the Rational Just Man.

Of the support Grotius found for his international digest in the ideal of *Ius Naturae* Dr. Walker is indeed fully conscious; it is therefore the more to be regretted that he has not seen fit to devote a few pages to those protestant jurists who, neglecting the strife of creeds, and defying the weight of authority, followed, however haltingly, the light of reason, and who were the first to assert and pursue an independent science of the law of nature, and under the shelter of a phrase to investigate the philosophy of law.

W. G. POGSON SMITH.

Weltgeschichte. Herausgegeben von HANS F. HELMOLT. Band I.
(Leipzig and Vienna: Bibliographisches Institut. 1899.)

THIS is the first of an intended series of eight volumes, designed to comprise a general history of the nations of the earth on a new plan. Compilers of 'Weltgeschichte,' or 'Universal History,' have hitherto followed the general practice of historians and arranged facts and events as nearly as possible in chronological sequence, usually breaking up their narrative into short sections or 'periods.' Taking a volume at a venture from a shelf groaning with antiquated 'Weltgeschichten,' we find that the work is divided thus: Period 1, Adam to Noah; 2, Noah to Moses; 3, Moses to Romulus; 4, Romulus to Cyrus; 5, Cyrus to Alexander, and so forth, six periods being reckoned before the Christian era and six after. Dr. Helmolt claims to be the first compiler of a 'Weltgeschichte' to abandon the traditional method, and to substitute for it one based on geography. Regarding the habitable world as disposed somewhat in the form of a crescent, open to the south, around the vast sinus of the Pacific Ocean, he begins with America, as the easternmost section, and proposes to work his way westwards. Accordingly the present volume, after some preliminary matter, deals with the history of the New World, ending with a few pages on the historical significance of the Pacific. Vol. ii. will be occupied with Oceania, Eastern Asia, and the Indian Ocean; vol. iii. with

Western Asia and Africa ; vol. iv. with the Mediterranean peoples ; vol. v. with South-East Europe and Slavonia ; vol. vi. with the Teutons and Romans. Vol. vii. will carry on the later history of Western Europe to the year 1800 ; vol. viii. will deal with Western Europe in the nineteenth century. To the ordinary mind Dr. Helmolt's conception of a world-history, which he expounds at some length by way of introduction, describing it generally as the following up of the *Werdegang*, or 'march-of-becoming,' appears to consist in abandoning the special function of world-history altogether, and boldly resorting to the easier expedient of writing the story of the nations by local grouping. From a hint dropped by the way we gather that 'practical considerations' had something to do with the arrangement adopted. America, Oceania, and the far east of Asia have recently assumed greater importance, in the eye of the world at large, than heretofore, and bid fair to become more important still in the near future. The world must be anxious to know, with as little delay as possible, what the world-historian has to say about them, and he cannot do better than begin with them. It should be added that the new 'Weltgeschichte' is professedly a commercial undertaking, and is intended for the general public rather than for the historical student. There are no footnotes, and such authorities as are cited are therefore mentioned in the text ; the illustrations also are of a popular character. A work of this description does not, in strictness, come within the scope of this Review ; we may, however, say that the volume before us is likely to promote sound historical knowledge, and goes far to justify the publishers' assurance that, although popular in its aims, its design and execution have been entrusted to competent hands. The editor contributes an interesting introduction, in which the 'Idea of World-History' is discussed mainly from a literary point of view. Professor Kohler follows with 'Fundamental Ideas of a History of the Development of Humanity,' and Professor Ratzel with 'Humanity as the Earth's Life-Appearance.' Professor Johannes Ranke treats of prehistoric man. Professor Haebler's 'America' follows next, and takes up most of the volume. It may be described as a carefully prepared abridgment of American history from the earliest times according to such authorities as are usually found on the shelves of libraries. It contains, as might be expected, many mistakes, some of which are due to the writer's total want of acquaintance with the Mexican and Quichua languages. But it is pleasantly written, and the author often evinces a soundness of judgment which is far from common.

E. J. PAYNE.

Iurisprudentiæ Antehadrianae quæ supersunt. Edidit F. P. BREMER.
Pars altera. Sectio prior. (Leipzig : Teubner. 1898.)

THE first volume of this series brought us down to the commencement of the Principate ; the second now carries us on from the Augustan period to that of Nero, and is in itself the first instalment of that second great division of the work, which will deal with the jurisconsults of the first century of the Empire. Turning from periods to names, and omitting lesser personalities (whose date, indeed, is sometimes conjectural), the volume commences with the two 'lights' of the Augustan period, Labeo and Capito, and closes with Sabinus. Herr Bremer gives his edition a

very great juristic and historical importance by his admirable biographical introductions and his treatment not only of the character of each work dealt with, but of the circumstances under which it was evolved and the general nature of the problems with which it attempted to deal. It is difficult to imagine a greater amount of knowledge and discerning criticism packed into a smaller compass, and it is equally difficult to conceive that any one would attempt to deal, however lightly, with the juristic history of the Principate without using this book as a constant work of reference. In one characteristic alone, that of detailed reference to ancient and modern treatises, it surpasses in completeness any short legal history of the period with which I am acquainted: and, as the introductions are written in Latin and are not too full of extracts from German works, the information which they contain is open to every tolerably learned inquirer. With respect to the literary extracts assigned to the authors treated, the work, if it errs at all, errs on the side of exhaustiveness. Elements of doubt are introduced in the case of the two lawyers Veranius and Capito, both of whom wrote on pontifical and augural lore, the first probably more as an antiquary than a lawyer, and both of whom are cited by Festus. The question of the source of anonymous citations found in the lexicographer, which bear a close resemblance to excerpts given under these two names, has been a subject of dispute from the date of the publication of K. O. Müller's preface to that author; but, however great the probability of assignment may be—a probability which is, in this case, due to a belief in the uniformity of Festus's sources—it is rash to attribute anonymous fragments of the kind to any given authority, especially when we remember the mass of canonical and ritualistic literature which was poured upon the world during the closing years of the Republic, any portion of which may have been used by Festus's main source, Verrius Flaccus. The editor has, indeed, noticed the conjectural character of the assignment, but has hardly laid sufficient stress on the element of doubt involved in the attribution of these fragments to Veranius and Capito. Apart from their attribution to these writers, many of these extracts, dealing, as they do, with religious belief and ritual rather than with law, could not have appeared in this work at all.

But if an antiquary has sometimes crept in in the guise of a lawyer, Herr Bremer has attempted to eliminate entirely from his list of jurists one to whom that character has generally been assigned. Analogies would seem to show that the citation *Sabinus libris ad Vitellium* can mean only that Sabinus wrote a commentary on Vitellius, whether we take the latter to be the Augustan procurator¹ or not. But the editor adopts a different interpretation; he writes (p. 375), *Verba 'ad Vitellium' ita interpretor ut potius Sabinus libros quosdam amico cuidam Vitellio dedicare videatur*. This is a rash conjecture, simply because it violates the analogies of other legal titles, and its rashness becomes more apparent when we reach the citation *Paulus ad Vitellium*. It has before been regarded as questionable whether a jurist as late as Paulus could have approached Vitellius directly, and it has been suggested that he probably knew him only through Sabinus. But, if Vitellius himself wrote a book, the mode of citation presents little difficulty. It would be simply as

¹ Suet. *Vitell.* 2.

if one wrote *Drakenborchius 'ad Liv.' lib. xlvi.* instead of *D. 'ad. Liv. Ep.' lib. xlvi.*, ignoring the work of the epitomiser. But if *ad Vitellium* means a work addressed to a person of this name, *Paulus ad Vitellium* would be a strange contraction for *Paulus ad Sabini ad Vitellium*. The editor, in accordance with his theory of Vitellius being the person addressed, suggests the following alternative explanations of the Pauline title (p. 376): *Vel inde explicare licet quod Augusti procurator quasi procuratorum patronus habebatur vel quod libri ad Vitellium scripti per brevilquentiam 'Vitellius' nominari solebant, quod magis placet.* He himself seems to feel that the first theory, of a person addressed or instructed becoming a type of his class, is somewhat strained: and the second hypothesis lacks analogies; for the two which he suggests—the actual *libri* (of Pomponius, Paulus, and Ulpian) *ad Sabinum* and the possible *ad Brutum* (*Ciceronis*)—are not to the point, for in the first case Sabinus is the author, in the second 'Brutus' is the title of a work. The true analogy would be to find some one describing Cicero *ad Atticum* as 'the Atticus,' or, to take instances where the title of a work begins with another preposition, a commentator like Asconius writing *in Cornelium* or *in Scaurum* instead of *in Cornelianam* and *in Scaurianam*. It is surely safer to regard Vitellius as a man who wrote on certain branches of law. The references in Sabinus's work on him refer to *legata*, and, if he was an imperial procurator, he might have been sufficiently interested in the legacies which fell to the imperial *patrimonium* to write a work on the subject.

With regard to the works of Labeo, perhaps the most voluminous and certainly the greatest legal writer of this age, some doubt hangs over the reality of his book on the *praetor peregrinus*. The editor is doubtless right in rejecting Mommsen's somewhat arbitrary views that the title is a corruption and that no jurists ever commented on the edict of the foreign praetor; but, although he notices, he does not explain such very strange modes of citation as *Labeo quoque libro trigensimo praetoris peregrini scribit* (Dig. IV. iii. 9 § 4) or *Labeo libro primo praetoris urbani* (Dig. L. xvi. 19). The titles cannot be correct as they stand, for, whatever may be our opinion on the controverted question as to whether *praetor peregrinus* was an expression in use in Labeo's time, *liber praetoris* could not mean a book on the duties of a praetor. But may it not be that these are late methods of citing from different parts of a single comprehensive work *de officio praetoris*? There are portions of Labeo's writings which obviously refer equally to both praetors, e.g. the instructions on *vadimonium*, *postulatio*, *in ius vocatio*,² and some parts of such a work would naturally have dealt wholly with the praetor urbanus, others wholly with the praetor peregrinus. Later commentators might thus, from motives of convenience, have spoken of 'book i., which deals with the praetor urbanus,' or 'book xxx., which deals with the praetor peregrinus.' The work appears to have been quite different from another book of Labeo's entitled 'Ad Praetoris Edictum,' which seems to have dealt with substantive law, not with procedure; and this characteristic makes it doubtful whether Herr Bremer is right in referring Labeo's suggestive derivation of *soror* (*quasi seorsum nascitur*³) to the clause in the edict *de postulando* 'Pro aliis

² Bremer, p. 95 ff.

³ Gell. xiii. 10, 3.

ne postulent praeterquam pro parente . . . fratre sorore, uxore.' In connexion with this department of Labeo's writings Herr Bremer gives an excellent sketch of the probable outline of the edict of the praetor peregrinus, and in it he repeats the statement, so often made by other writers that it may seem rash to question it, that the *iudex peregrinus* was given at Rome. But the fact does not seem to be quite proved by the definition of a *iudicium legitimum* given by Gaius,⁴ who, when he introduces the phrase *interveniente peregrini persona iudicis aut litigatoris*, may be simply bent on reproducing all the characteristics of a *iudicium quod imperio continetur*. Against the fact must be set the circumstance that, in the *lex provinciae* of Sicily, the *iudex peregrinus* is only guaranteed in suits between Roman citizens and provincials,⁵ suits which at Rome, we have reason to believe, were settled by *recuperatores*, the constant product of private international law, and the consideration that, if the *peregrinus iudex* had been given at Rome in other cases (in suits, e.g., between *peregrini* of different states), their employment in the provinces would hardly have been regarded as a singular act of grace on the part of the provincial governor.⁶

The question of the official position which Labeo, *qua* jurist, held at Rome runs up into the wider one of the origin of the patented juriconsults. Herr Bremer adopts the view of Mommsen that Sabinus was not the first of these, and would, with him, omit the bracketed words in Pomponius's statement⁷ that *Massurius Sabinus in equestri ordine [fuit et] publice primus respondit*. Pomponius has, no doubt, been terribly mutilated by the compilers, but the passage as it stands (§§ 48-50) seems to be struggling to express some distinction between the position of Sabinus and that of his authorised predecessors. But, whatever the permit of Augustus may have meant, Herr Bremer is sure that Labeo did not hold it. His words are (p. 11) :

quod beneficium Labeonem non petiisse pro certo statuendum est: multa sua responsa publice ille quidem sed non ex principis auctoritate dedit; (p. 63) neque enim fieri potuit ut aut Octavianus Labeoni, ut erat animo a Caesare alienissimo, ius respondendi offerret aut ille oblatum accipere vellet.

On this showing the greatest legal genius of his age, by the side of whom all other lawyers must have seemed mere pigmies, not only sits at home for six months of the year to answer all questions *publice*, but also, as Herr Bremer rightly imagines, sends letters which were afterwards published (*responsa per literas data*) to *iudices* on the bench; and yet he was not a patented juriconsult! Augustus was too wise to make his patent a laughing-stock; we may be sure that, whatever its value was, Labeo had it without the asking.

Yet the lack of sympathy between the prince and his greatest lawyer is one of the best known features of the time, and no final answer to the question, 'What was the twist in Labeo's mind which placed him in opposition to the imperial lawyers of the age?' has been, or perhaps can be, given. An approach to an answer may perhaps be found in Suetonius's account of Augustus's tastes in literature: *cacozelos et antiquarios, ut diverso genere vitiosos, pari fastidio sprevit*.⁸ The

⁴ *Inst.* iv. 105, 109.

⁵ *Cic. in Verr.* ii. 13, 32.

⁶ *Cic. ad Att.* vi. 1, 15.

⁷ *Dig.* I. ii. 2 § 48.

⁸ *Suet. Aug.* 86.

Augustan age was one of Latinism and of progress along the lines already laid down; the typical court lawyer was one who, while he interpreted and extended a principle, *in his quae ei tradita fuerant perseverabat*. Labeo was a Hellenist and historian, and neither Hellenism nor history was favourable to the imperial régime. The conservative in politics was necessarily a radical in law (*plurima innovare instituit*), for the man who attempts to get back to the historical or etymological *fons et origo* of things cannot help being an innovator. In a lesser man these strained etymologies and this attempt to interpret enactments in their true historical spirit might have appeared ridiculous; but the force, the genius, and the learning of Labeo gave birth to a new method, which stimulated some of the finer minds of Rome. Labeo might hardly have recognised his work in the writings of the Proculians who were accounted his successors, for it was a method rather than a doctrine which parted the rival schools, and the difference which springs from a personality and a mental attitude is soon lost in the mazes of the material to which their influence is applied.

A. H. J. GREENIDGE.

The United Kingdom: a Political History. By GOLDWIN SMITH, D.C.L.
(London: Macmillan & Co. 1899.)

MR. GOLDWIN SMITH'S sketch of political history—most of which is not concerned with the United Kingdom—will find favour in the eyes of those who have seriously travelled over any part of his wide subject as a vigorous championship of many views not at present accepted by historical students, and therefore helping them to test the conclusions at which they have arrived. Like Münchhausen's notorious horn the book gives forth the music of the past. To one who, like myself, read Grote and Macaulay as they issued from the press there is a special charm about Mr. Goldwin Smith's reflexions, which carry one back to the days of one's youth—*agnosco veteris vestigia flammae*—to the fierce fights when one author produced twelve volumes to show the merits of democracy, and another author piled up twenty to prove that Providence was on the side of the high tories. During the long years which have intervened we have seen the rise of a school of historians which cares for none of these things. We, in Britain, have come to look on the ecclesiastical or political parties of bygone days without fear or favour, to ask not whether we should like to live with them in the nineteenth century, but whether they did something in their day and generation to lighten the burden laid on suffering humanity, as well as to raise obstacles in the way of its future course.

It is needless to say more on Mr. Goldwin Smith's treatment of the medieval church than to express an opinion that all the evil it did is set forth with emphasis, while all, or nearly all, the good it effected is shrouded under the veil of silence. A more useful example of his method of handling complicated subjects is to be found in his treatment of the Tudors, because the personal element to which Mr. Goldwin Smith rightly but somewhat unduly gives prominence is here manifested in its fullest power. In turning over the pages which relate to the sixteenth century the reader is struck by the predominance of Froude over the mind of the author. Once, indeed, Mr. Goldwin Smith's strong

moral sense rouses him to rebellion. Fortunately he cannot away with the sophistry which makes Henry VIII a wise and virtuous ruler who did no more than his duty in putting to death such enemies of their country as More and Fisher. Yet even as regards Henry VIII it is impossible to consider his treatment of the royal criminal as satisfactory. We ask what was the source of Henry's power. Why was it that he was enabled to lay the foundations on which England's church was fixed for generations? Brewer, who knew Henry well, and who had the lowest opinion of his morality, used always to speak with the highest respect of his intellectual powers. Were those powers put in action merely by greed and lust, or was there some instinctive sympathy with his people which enabled him to guide them on the course on which they were setting out, all unknowing of the future? Yet to this side of the historic problem Mr. Goldwin Smith is blind. It is still worse when he reaches the reign of Elizabeth. What Froude can tell him of her character he knows; but he does not seem to be aware of what Seeley has revealed. We may blame—cannot, indeed, avoid blaming—the queen for her vanity, for her irresolution, and for the superficial remedies which she loved to apply to the most serious problems. Mr. Goldwin Smith seems hardly to allow that the problems were serious. He writes that in the Netherlands, where protestantism and freedom were fighting for their life with Philip of Spain, Alva, and Parma, the decisive field apparently lay; and upon that field the forces of England, had Henry of Navarre, Gustavus, or Cromwell been at their head, or had a free hand been given to Burghley and Walsingham, would have been thrown (i. 388).

To this Seeley has already given the answer by anticipation.

No doubt if, as Mr. Froude thinks, a protestant league might have been formed in Europe which could have driven catholicism across the Alps and Pyrenees, and it was open to Elizabeth to put herself at the head of such a league, then her actual policy was feeble and contemptible. The view presented here is that it was wholly impossible, that the counter-Reformation was the overwhelming spiritual force of the time—that France was intensely catholic, and even England not protestant, accordingly that such a rally of the forces of the Reformation would probably have ended within twenty years in the complete and final triumph of the Roman church. Elizabeth herself could probably have given no distinct explanation of the manner in which with *her* plan she meant to win. But she *did* win.¹

The fact is that Mr. Goldwin Smith does not care to analyse wide-sweeping popular movements, and to estimate the restrictions placed by them on the activity of individuals. He deals, for instance, with the Reign of Terror without even mentioning the effect of the foreign invasion on the excitable Parisian mob. Yet defective as the book is it is impossible to lay it down without admiration. It is strongly conceived, and in many parts strongly executed. As the author approaches our own day he stands on firmer ground, and is less at the mercy of writers whom he has read with approval, as well as less spurred by indignation directed against persons and institutions which he happens to dislike. The pity of it is that he too often makes it his business to point out that the objects of his criticism went wrong, rather than to discover why they went wrong or what merit they possessed. His treatment of Burke's

¹ *Growth of British Policy*, i. 184.

attitude towards the French Revolution is a good instance of his mode of dealing with a great man who went, in some particulars, astray.

SAMUEL R. GARDINER.

Die Familie bei den Angelsachsen : eine kultur- und litterarhistorische Studie auf Grund gleichzeitiger Quellen. Von Dr. FRITZ ROEDER. I. : 'Mann und Frau.' (Halle : Niemeyer. 1899.)

DR. ROEDER'S monograph on Anglo-Saxon marriage is a promising beginning of a series intended to form a complete work on the family relations. He has rightly seen that it is hopeless to attempt a reconstruction of Anglo-Saxon society from laws and legal documents alone. Authorities of this class are meagre in quantity, do not purport to cover the whole ground, and assume, as much as our modern statutes do, knowledge of existing customary rules. Accordingly Dr. Roeder has turned to the evidence to be found in general literature. This occurs mostly, though not wholly, in poetical texts, and, as might be expected, by way of allusion rather than definite statement. Unluckily the difficulties are at best considerable. When the material has been reinforced by diligent selection from all available sources it is still not too copious ; and some of the passages which might be most useful if their sense were clear are in fact eminently obscure even in the general obscurity of early Anglo-Saxon verse. Dr. Roeder is well equipped with scholarship, and his ingenuity is tempered by judgment and modesty. He shows good discretion in allowing for the bias or literary colouring due to the different purposes of different writers, notably when the writer is bent on edification. With regard to the drawing of an Anglo-Saxon betrothal (not marriage : Dr. Roeder is, in our opinion, clearly right as to this), reproduced from Strutt's copy of the original in a Cottonian manuscript, we think the object in the bridegroom's right hand, which looks like a pointed ragged staff, is in any case not a sword or any other known weapon.

As to the main results, the position of the wife is traced from the archaic stage of being the husband's chattel, of which we have only traces, and through the system of strict guardianship, to the relative emancipation of the later period, which amounted to full emancipation in the case of widows, subject only to restrictions on grounds of general policy and morality. The social position of married women, in the higher ranks at any rate, is shown to have been from an early time decidedly more favourable than they were entitled to in strict law. But in the later stages ecclesiastical influence, while it tended to improve the legal position of women in accordance with the ideas of Roman law, tended also to degrade their social standing by reason of the pernicious opinion that marriage is a necessary evil and the existence of women little better. Old Germanic instinct and habit, as our author justly observes, may have been rude and sometimes brutal, but they were not morbid. Dr. Roeder thinks the complaints of moral degradation in Anglo-Saxon society from the tenth century onwards were well founded. The Danish invasions appear to have been the determining cause. Contemporary writers mention imitation of heathen manners, but we may suppose that the general distress and unsettlement counted for quite as much. Moreover the wide-spread apprehension of the end of the world, which in

high places produced a multitude of pious gifts, expressed to be made *appropinquante huius seculi fine*, or the like, may well have had anti-nomian results elsewhere. One may suspect, too, that Frankish and Norman influence did not altogether make for sound morality. But this is somewhat remote from the special subject of Dr. Roeder's researches.

F. POLLOCK.

Etudes Critiques sur les Sources de l'Histoire Carolingienne. Par M. GABRIEL MONOD, Directeur d'Etudes à l'Ecole des Hautes Etudes. Première Partie. (Paris : Bouillon. 1898.)

M. MONOD's book is valuable both as a survey of the work already done by others in a peculiarly intricate field of criticism and as containing the results arrived at by one than whom few have better claims to speak with authority. In the introduction M. Monod marks clearly the distinction between Chronicles and Annals: the Chronicles in continuation of St. Jerome, which are set historical productions written at a definite date; and the Annals, originating sometimes in mere notes in the spaces of Easter tables and added to from time to time, which were intended only as memoranda of events that interested the monks of the house when they were recorded and aimed at no literary effects. The latter are traced to the Irish and Anglo-Saxon missions to the continent; they acquired a special importance at the time which witnessed the accession of the house of Pippin to the Frankish throne, and under the influence of the new dynasty they gradually changed their character and came to include detailed narratives for each year. M. Monod examines the growth of historical literature in close connexion with the religious and literary conditions under which it was produced. He gives a brilliant outline of the literary history, which it is refreshing to read after the many dreary compendiums, mostly of American manufacture, which have appeared in English in recent years.

The principal subject of the first part of these 'Etudes' is the origin and interrelations of the Carolingian Annals down to 829, a set of problems which has exercised the wit of critics for seventy years past. Much confusion has been brought into the discussion by excess of ingenuity in many of the scholars who have taken part in it; and to those who have followed its ramifications it will almost appear that M. Monod's conclusions suffer by reason of their extreme clearness and simplicity. Let it be said once for all that he states them with due reserve as a provisional working basis. There is, it cannot be denied, an element of reaction about his treatment. The air has been so clouded with hypotheses running athwart one another that it was tempting to brush them away, to make light of the difficulties, and to establish a plain and coherent theory to account for them all. We are not sure that M. Monod has altogether escaped this temptation; but no one can have read much of the literature of the subject without feeling that the time has come for simplifying, and the following remarks of M. Monod on p. 92 are very much to the point:—

Nous éprouvons, nous l'avouons, un sentiment d'admiration en présence de l'énorme travail de copies et de comparaisons de textes auxquels se sont livrés MM. Arnold et Bernays pour arriver à établir sur des ressemblances, souvent

bien légères, leur ingénieuse théorie ; et nous n'admirons pas moins la candeur avec laquelle tous deux, mais surtout M. Bernays, parlent de ces annales imaginaires comme s'ils les avaient vues, et poussent leur démonstration à l'extrême sans se douter qu'ils la détruisent par son excès même. Mais, en même temps, nous ne pouvons nous défendre d'un sentiment de tristesse en voyant tant d'efforts, d'intelligence et de temps employés à faire et à défaire une même toile de Pénélope. Rien n'est plus propre à développer le scepticisme historique que cette hypercritique qui, sur les plus frêles indices, échafaude tout un système, et surtout que cette prétention d'atteindre à la certitude absolue sur des points où les conditions même de la certitude font défaut. Cette manie de tout remettre perpétuellement en question, ce mélange de minutie consciencieuse dans les démonstrations et de fantaisie dans les hypothèses sont faits pour jeter le discrédit sur les méthodes critiques elles-mêmes.

These observations are provoked by the theory which assumes the existence of certain Court Annals, now lost, to account for the matter common to a whole series of annalists. M. Monod displays a remarkable sobriety of judgment ; but we cannot always follow him in his arguments. Is it likely, he asks, that just the most important of the Annals should be lost, while so many extracts from them are preserved ? But Richer's History was known only from extracts until Pertz discovered it in the present century. John de Cella's St. Alban's Chronicle still lies imbedded in Roger Wendover and Matthew Paris and the 'Flores Historiarum.' The Annals of Niederaltaich were known only from Aventinus until Giesebrecht divined their character, and then followed the discovery of the actual Annals themselves. In the present instance, however, we agree, the critics have outdone themselves in their ingenuity ; and we need not hesitate about accepting M. Monod's denial of the lost Court Annals. Too much importance has, no doubt, been attached to verbal coincidences, and M. Monod does well to remind us that among persons brought up in the same school or under similar conditions, and learning an artificial language, such agreement was inevitable.

A large part of the volume is occupied with the exposition and analysis of successive theories respecting the multitudinous Annals of the eighth and ninth centuries ; but this all leads up to the main inquiry as to the structure and authorship of the 'Annales Laurissenses.' It may not be without interest to compare the division of the Annals made by M. Monod and the authors assigned by him for each section with the results arrived at independently by Dr. Kurze. We think we are right in speaking of the two systems as substantially independent, because M. Monod says (p. 102) that he did not become acquainted with the work of the German critic until he was engaged in the revision of his own. The compass of the first section of the Annals is by common consent decided by the termination of the lost Lorsch MS. in 788, and it is now more and more generally admitted that the record claims something of an official character : it was written under the direction of one closely connected with the court of Charles the Great, though not in any sense as an official production of the chancery. But who the supervisor—we can hardly speak of the author—of the work was, remains still a matter of conjecture. Dr. Kurze is inclined to think that Riculf the deacon set about the task when he quitted the court for the see of Mainz in 787, but he allows that Folrad of St. Denis and Angilram of Metz are possible

competitors. He favours Riculf on the ground that the continuation of the Annals as far as 795 is, in his opinion, the work of the same hand as the preceding sections, and Angilram died in 791. M. Monod does not admit this unity of authorship, and therefore has no difficulty in regarding the first section as drawn up under the direction of Angilram. He thinks the next section runs only as far as 801, and was written in the royal *capella* under Angilram and his successors, Angilbert, abbat of St. Riquier, and Hildebald of Cologne: this he takes to be the most official portion of the whole; the sequel, from the middle of 801, bears a different character. It is, however, not less strictly contemporaneous, and was composed, according to M. Monod, by Hildebald as far as 819. Dr. Kurze, on the other hand, attributes the whole part from 795 to 820 to Einhard. As for the concluding section, down to 829, though they differ by a year as to the point where it begins, the two scholars are at one in attributing it to Hilduin, abbat of St. Denis. It will be seen that the latest explorers are far from having arrived at agreement, except with regard to the general lines of division, and as to the fact of the Annals proceeding directly from the court, and being written under the superintendence of an archchaplain or other high officer of the chancery. Both scholars are also in accord in holding that the redaction of the Annals down to 801, known as the 'Annales Einhardi,' cannot by possibility be the work of Einhard; and Dr. M. Meyer's suggestion that the author was Gerold of Corvey is mentioned with approval by both. On the other hand they disagree completely as to the relation between these Annals and Einhard's 'Vita Karoli.' M. Monod does not, we think, express any judgment on Dr. Kurze's view that Einhard was the author not, as is admitted, of the 'Annales Einhardi' but of the 'Annales Fuldenses' down to 837.

If there is still much uncertainty about the authorship and structure of the Frankish Annals, the divergence of learned opinion is far greater as to the relations of the lesser Annals and the use made of them by the authors of the greater work. Every year brings forth new arguments and sometimes new materials. Already, since M. Monod's book was published, the discovery by Dr. Hampe at Durham of a new manuscript of the 'Annales Mettenses' has led to some derangement of previously admitted theories. But we cannot, within our limits, do more than express our gratitude to M. Monod for the clear way in which he has set out his facts and described competing hypotheses. We look forward to the completion of a work which presents the results of many years' investigation in a remarkably luminous form. REGINALD L. POOLE.

Le Schisme Oriental du X^e Siècle. Par LOUIS BRÉHIER, Professeur Agrégé d'Histoire au Lycée de Reims. (Paris: Leroux. 1899.)

M. BRÉHIER holds that the great schism of east and west in 1054 was entirely the work of Michael Cerularius, and formed part of a wider scheme of personal ambition. Cerularius was an old conspirator who had missed empire in the days of Michael IV, and aimed as patriarch in those of Constantine IX at complete control of church and state. If he could not himself be emperor, the next best thing was to govern the emperor—and the empire to boot. East and west, says he, had been on

good terms since the fall of Photius, though they differed radically in church theory. The westerns placed the supreme authority in the pope, the easterns in five equal patriarchs—an antiquated fifth-century theory which Cerularius meant to replace by his own supremacy. He watched his opportunity when the pope was at war with the Normans, if not already their prisoner, and set Leo of Achrida to begin the attack by raising precisely the questions of usage which the Latins could not compromise. Leo IX very properly refused to discuss them, and simply demanded full submission to the successor of St. Peter. Cerularius temporised, but only in obedience to the emperor, who wanted the pope's alliance against the Normans. Presently legates came to Constantinople, and endeavoured to play off the emperor against the patriarch, who refused to recognise them. Peter of Antioch attempted in vain to mediate: Cerularius was bent on a rupture. Before long the legates laid on the altar of St. Sophia a bull of deposition and excommunication against him, and shook off the dust of the disobedient city from their feet. The emperor brought them back in vain, for Cerularius obstinately refused to meet them. As soon as they were gone again he reduced the emperor to submission by raising a fearful tumult in the streets, and easily carried the church with him. Even Peter of Antioch had to support him. Cerularius was master now for the rest of the reign of Constantine IX. The strong empress Theodora kept him in check; but when Michael VI tried to follow her example Cerularius replied by joining the conspiracy which placed Isaac Comnenus on the throne—who lost no time in deposing him.

M. Bréhier has studied well the eastern side of the question. He gives an admirable portrait of Constantine IX, and a fair review of the questions in dispute, and fully appreciates the tergiversations of Psellos. But he hardly realises the great change which the Hildebrandine movement was making in the western church theory. Leo IX had himself assumed a cosmopolitan position far beyond any of his predecessors; and his haughty letters make him just as guilty of the schism as Cerularius. Nor can I quite think Cerularius himself so far-sighted as M. Bréhier's account would make him. The matter scarcely looks like a deep-laid plan.

M. Bréhier gives an excellent list of documents and modern works, though the new edition of Psellos is missing, and he has unfortunately forgotten to give us an index. For this (and a few misprints corrected) we may hope in another edition.

H. M. GWATEIN.

The Primacy of England. By SAMUEL F. HULTON, of the Inner Temple, Barrister-at-Law. (Oxford: B. H. Blackwell. London: Simpkin, Marshall, Hamilton, Kent, & Co. 1899.)

MANY interesting points in English church history are dealt with in this handy volume. If the author had marked out a definite area for his work, and had kept within it, his book would doubtless have been more satisfactory. As it is, it is deficient in coherence and thoroughness. His title seems to mean that he has taken for his subject the primacy of the see of Canterbury and the primacy of the see of York. The first half of his book answers fairly to such an interpretation; it is mainly concerned with the strife between the two metropolitan sees. First we have an account of the attempt of Canterbury to bring York

into subjection in Norman times, then the part taken by Roger of York against St. Thomas of Canterbury, and lastly the later disputes about precedence, the right of cross-bearing, and other matters down to the composition made between Archbishops Islip and Thoresby in 1358. As regards the foundation of the dignity of Canterbury some confusion seems implied in the statement that Gregory the Great 'proceeded to confer upon Augustine for life, if not upon his successors at Canterbury, a patriarchal or primatial jurisdiction over the metropolitans of London and York.' A few points of first-rate importance in connexion with the Canterbury primacy, such as the erection of the Lichfield archbishopric and the claim to metropolitan rank advanced on behalf of the see of St. David's, deserve more than the bare references made to them here. No piece of ecclesiastical history would be more appropriate to what seems to be Mr. Hulton's special subject than grants of the legatine commission, and it is therefore disappointing to find this matter treated inadequately. The date 1147 for the consecration of Roger Pont l'Evêque is, of course, a mere slip for 1154, and so too may be reckoned 'Woodcock of Winchester' for Bishop Henry Woodlock. To describe the reign of Henry I as 'wild times' is hard on the Lion of Justice. That Richard Scrope, archbishop of York, took part in the act of the coronation of Henry IV, though asserted by the author of the 'Traison,' scarcely rests on good authority; in any case he certainly did not crown Joan of Navarre in 1399.

The second part of Mr. Hulton's book is rather vague in its scope. In a chapter headed 'Halcyon Days' he describes in sweeping terms the evil condition of the English church during the century and a half after the death of Edward III. Reformation from within was, he considers, rendered difficult by the spirit of isolation, and of this isolation the continued existence of the two co-ordinate judicial and legislative systems of Canterbury and York is, he says, a 'prime example.' Little notice is to be found of the attack which Martin V made upon Archbishop Chichele and the see of Canterbury, and its importance as regards the relations between the papacy and the English episcopate is altogether missed. Mr. Hulton gives much sound though familiar information about the history of convocation and ecclesiastical jurisdiction, has a rather meagre chapter on the overthrow of the papal authority in England, and describes the prostration of the church at the foot of the throne. At the same time he very justly points out that the theory of its right and capacity to manage its own affairs under the supervision of the crown was generally recognised. The laity were shut out from interfering with ecclesiastical matters which were held to pertain to the royal prerogative, and so long as the church remained under the sole control of the crown the machinery of spiritual government was preserved. This system broke down under Charles and Laud, and when the prerogative had given way before parliamentary rule the means by which the church had hitherto asserted its independent corporate existence under the governance of the crown were gradually extenuated. The convocations of the two provinces were silenced until they again found voice and a measure of energy in the present reign, and ecclesiastical jurisdiction was partly abolished and partly more or less fell into abeyance, though as regards spiritual persons and

things not to the extent that Mr. Hulton represents. As he is supposed to be writing on the primatial office, he might surely have noticed that the Public Worship Regulation Act merged the court of the northern province with that of the southern for ritual prosecutions, and further that the late archbishop of Canterbury claimed and exercised disciplinary powers in the case of one of his suffragans. This book has no index.

W. HUNT.

Records of the Borough of Leicester. Being a Series of Extracts from the Archives of the Corporation of Leicester, 1103-1327. Edited by MARY BATESON. (London: C. J. Clay & Sons. 1899.)

It is matter for congratulation that the records of Leicester should have been taken in hand by so well equipped a student as Miss Bateson, with a special eye to their bearing upon those critical problems in the early history of our English towns which Professor Maitland has propounded for the guidance of municipal historians. Few ancient boroughs can boast so rich a collection of archives, and the preservation of a long series of merchant gild rolls going back to the reign of Richard I renders them particularly valuable for the elucidation of what is, perhaps, the most difficult of all these problems—the growth of a corporate character in such towns. The records of boroughs like Leicester do not, of course, go far enough back to clear up the questions in dispute as to the circumstances under which they originally came into existence. But the survival in the procedure of the Leicester *portmanmoot* as late as the thirteenth century of old Danish legal terms—*forfal* and *swarales* and *thwerthutmay*—raises a doubt whether the Scandinavian contribution to early borough life in the Midlands has obtained as much attention as it deserves. The way in which the twenty-four *jurats* are spoken of in an inquest of 1253—*iurati qui erant in Leycestria antiquo tempore statuti*—might almost suggest that we have to do with the old ‘lawmen’ of the Danish boroughs. It would appear probable, at any rate, that the twenty-four were the judges in the portmanmoot in the early part of the twelfth century (pp. 4, 41), as they certainly were in the thirteenth (p. 163). Are these twenty-four judges of the portmanmoot to be identified with the similar number elected as early as 1225 by the ‘common counsel’ of the merchant gild to meet together on the summons of the alderman (afterwards of the mayor) for purposes variously expressed as *ad consulendam villam et ad eam sequendum in negociis villae, ad veniendum ad consilia et negocia communitatis gilde, or ad iura et ad libertates gilde sustinendum?* The answer is important, for if the identity be established we shall have to abandon entirely as far as Leicester is concerned the doctrine laid down by Dr. Gross that the gild merchant of the twelfth and thirteenth centuries was ‘only a subsidiary part of the municipal administrative machinery, subordinated to the chief borough magistrates, though far more autonomous than any department of the town government of to-day.’ He admits, indeed, that in Leicester it was more paramount than in most boroughs. But the evidence he offers of the coexistence in the early part of the thirteenth century of a mayor of the town and an alderman of the gild is easily disposed of by Miss Bateson, and it seems almost certain that the mayor took the place of the alderman of the gild, who was generally

too called alderman of Leicester. In the testing clause of charters executed prior to the appearance of the mayor the alderman takes precedence of the portreeve, the head of the primitive borough organisation.

With the documents before one it is not easy to escape from the conclusion that at Leicester in the thirteenth century the exact converse of the state of things supposed by Dr. Gross held good. It was the reeve and the portmanmoot who occupied a subsidiary position. There is nothing to show that the latter performed other than judicial functions, and even this province was occasionally invaded by the 'morning speech' of the gild. The gild rolls on the other hand disclose a varied administrative activity which justifies the assertion that the merchant gild had become the real governing body of the town, though it did not contain all burgesses, and the 'community of the gild' and the 'community of the town' were still sometimes distinguished. It was not the sort of arrangement that a parliamentary draughtsman would devise, but the body which had entire control of the trade of the borough, and was not hampered by the antiquated procedure of the portmanmoot, enjoyed obvious advantages in dealing with the administrative needs of a growing town. Tallages were collected and bridges repaired by the gild, and it is hard to see how there can have been any town purse distinct from that of the gild. The separate mayors' accounts, which begin in 1300, are simply a development of the accounts entered up to that time on the gild rolls. At Leicester, therefore, the gild seems to be the body for whose appearance Professor Maitland has warned us to be on the look-out if we are to understand the process by which a borough passed from the stage of 'commonness' to the stage of 'corporateness'—'the council that administers property besides or instead of the old moot that deemed dooms.' If it is objected that such a relation as is supposed between the older and newer organ of the borough government must have led to constant friction, Miss Bateson's answer will be that this might have happened if they had had a distinct set of officers, but of such duality she can find no trace. Her view is that not only was the mayor head both of town and gild, but the twenty-four jurors of portmanmoot and gild were the same persons. The argument would not be materially affected if it were to turn out that the identity was not complete. The gild rolls under the year 1273 give two lists of *iurati*, these *electi per totam gildam Leycestrie*, those *electi per communitatem Leycestrie*. Sixteen names are common to both lists. Can it be that harmony was secured by having a two-thirds proportion common to the town and gild *iurati*? A further question with regard to the *iurati* not touched upon by the editor is raised by the official formula *par assent del meyre e de jurees e de tote la commune de la vile de Leycestre* (p. 150). The phrase at once carries us to Mr. Round's article on the 'Commune of London' and the twenty-four *iurati pro consulendo civitatem una cum maiore*, whose oath he has discovered and whose prototype he finds in the *vingt-quatre* who acted as the mayor's council in the commune of Rouen. The oath of the Leicester *iurats* has some points of similarity to that of the London 'twenty-four.' Is it safe to infer that the introduction of a mayor may not have been the only modification of the older constitution of Leicester in the first half of the thirteenth century to be traced indirectly to French precedents?

Those who are interested in the solution of these and cognate problems of municipal growth owe a large debt of gratitude to Miss Bateson for her judiciously selected and admirably elucidated documents and luminous introduction. The labour must have been immense, and it is to be hoped that it will meet with an appreciation which will encourage her to carry on the work from the point where this volume stops. JAMES TAIT.

Robert Grosseteste, Bishop of Lincoln: a Contribution to the Religious, Political, and Intellectual History of the Thirteenth Century. By FRANCIS SEYMOUR STEVENSON, M.P. (London: Macmillan & Co. 1899.)

THE chief difficulties which a biographer of Grosseteste has to contend with are the many-sidedness of his activity and the chaotic condition of his writings. Mr. Stevenson has, however, produced a life which will earn him the gratitude of all students of medieval history. His book is marked by industry, accuracy, and sound judgment, and is undoubtedly the best book on the subject in existence. In some respects, however, it is inadequate. The account of Grosseteste's literary work can hardly be called satisfactory; no bibliography is given, and little attempt made to distinguish the genuine from the spurious. For instance, the attribution of the 'Chasteau d'Amour' to Grosseteste has been disputed; Mr. Stevenson merely says that of the French works ascribed to him it is 'the only one which can be attributed to him with any degree of certainty.' Again, an incidental statement that 'few or none of Grosseteste's English sermons have been preserved' (p. 32), with a reference to Wharton's 'Anglia Sacra,' is most unsatisfying. In a work which aspires to be 'the standard Life of Grosseteste' one might expect that questions like these would be settled so far as they are capable of settlement. While, again, Mr. Stevenson's estimate of Grosseteste's intellectual influence is interesting and just so far as it goes, it is clearly not based on a thorough and first-hand knowledge of medieval philosophy. What, for instance, is the relation of Grosseteste's 'Compendium Scientiarum' to the other attempts in the thirteenth century to co-ordinate the sciences and establish the unity of knowledge? Grosseteste's 'Compendium' has never been published; Tanner¹ mentions it, but Hauréau failed to find it. Mr. Stevenson has discovered in a manuscript in the University Library at Cambridge a treatise entitled 'Summa Philosophie Lincolniensis,' which with some slight exceptions agrees with Tanner's description of the 'Compendium.' The work should be worth a more thorough study than Mr. Stevenson seems to have given it.

It is when dealing with Grosseteste's active life, as statesman and administrator, that Mr. Stevenson is at his best, and nothing in the printed materials at any rate seems to have escaped his careful search. In connexion with the Franciscans he points out the importance of Grosseteste's attempt to 'combine the revival of learning with the revival of religion,' and his consequent influence in modifying the ideal of the early Franciscans, who 'were content to be taken as ideotis and foolys of euery man.' The English province in the thirteenth century was at once the most learned of the Franciscan provinces and the most

¹ *Bibl.* p. 349.

strict in the observance of the rule. Mr. Stevenson's account of Grosseteste's relations to the papacy is accurate and fair-minded; he makes the bishop's attitude perfectly clear—his championship of the rights of the church against the state, his devotion to the papacy, his resistance to papal abuses, and the special difficulties of the papacy at the time. He is undoubtedly right in accepting as genuine the famous letter about Frederick of Lavagna, which occurs not only in the 'Historia Major' of Matthew Paris, but also in that valuable collection of documents the Annals of Burton, while there can be little doubt that a somewhat obscure passage in Adam Marsh's letters refers² to the same event. The Burton annalist brings Grosseteste's refusal to obey the pope's commands respecting Frederick into direct connexion with the letter of Innocent IV, dated 3 Nov. 1258, in which the pope promised to give up papal provisions in England. Mr. Stevenson corrects the mistake (previously pointed out by Lechler and Felten) which Luard admitted into his edition of the 'Epistolae,' where the letter appears as addressed *Magistro Innocentio domino Papae* (an impossible style), instead of to Master Innocent, the pope's writer. It is, by the way, a pleasure to note Mr. Stevenson's generosity in acknowledging his debts to his predecessors and his courtesy in dealing with their mistakes.

A few errors have crept into Mr. Stevenson's work; some are mere slips, others suggest a certain want of familiarity with some parts of medieval history. The Jews were banished in 1290, not 1280 (p. 99). Brewer's translation, 'a regular succession of them was provided in the universities' (p. 71), hardly gives the full meaning of Eccleston's words. 'St. Augustine's, Westminster' (p. 149), should, of course, be St. Augustine's, Canterbury. References to the religious orders are not always accurate; Caldwell (p. 154) was a house of Austin canons, not monks; and a passage on p. 154 seems to imply that the Cluniacs did not follow the rule of St. Benedict. John Tyssington and William Woodford lived in the fourteenth century, not the thirteenth (p. 225, *note*). The reference to 'the somewhat doubtful pragmatic sanction of St. Louis' (p. 318) seems strangely confused. But these are slight blemishes in a thoroughly sound piece of work.

A. G. LITTLE.

Calendar of Letter Books preserved among the Archives of the Corporation of the City of London at the Guildhall. Letter Book A. Edited by REGINALD R. SHARPE, D.C.L., Records Clerk in the Office of the Town Clerk of the City of London. (London: E. Francis. 1899.)

THIS is the 'Lesser Black Book' (1275-1298) familiar in Mr. H. T. Riley's 'Memorials of London.' It is chiefly concerned with recognisances of debts. Although by the statute of Acton Burnel such recognisances were to be taken before the mayor and a clerk appointed by the king, yet in a short time the practice became common of taking them before the city chamberlain. It can hardly be said that such records are of general interest, but for those who are tracing the story of the trade of London in the thirteenth century they contain a vast amount of information and illustration. Numbers of examples occur of trade in wine with Bordeaux

² *Mon. Franc.* i. 325.

merchants and in leather with merchants of 'Rusilun,' 'Bures' (Burgos), Pampeluna, and elsewhere. It is worth notice that these merchants often bear English names, as 'John Bartram of Pampeluna,' 'Elias Grymeward of Brigelac' (Bergerac). These men were resident abroad, under royal privilege, in a more or less similar position to that of the Hanse and Steelyard men in England. But little stress can be placed on names, for in almost consecutive pages we find the same name described as 'William de Russilun, a Lombard,' and 'William Russinol, a Lombard,' leaving the question of name, place-name, description, or mistranscription uncertain. Besides records of 75*l.* 'to be paid, 50*l.* in round pence and 25*l.* in good halfpence,' for leather, wool, wine, cloth, pepper, and so on, the 'Lesser Black Book' tells us of the 'wells and waters of Tyburne' and the conduit towers, and pipes to bring the water to the city; of the 'Pessonerie' and the 'burning of a kidel' set up contrary to the Great Charter; that no salmon be taken in Thames between the Nativity and Martinmas, 'and also none engendrure of salmon any time of the year.' We read too of the assizes of the city of London (1276-7-8), 'First that the peace of the lord the king be well kept between the Christians [and Jews]. The words *et Judeos* are crossed through: perhaps because the Jews were not of the city, but under the king's special concern, though there are other rules about their victuals and Jewry; perhaps the erasure was made some years later, when the Jews had been expelled and there were none left for Christians to wrangle with. Further that no pig be found in the streets of the city or in the ditches of the city; nor any leper; nor any iron-shod cart; nor shall henceforth any woman of the town 'go to market, nor unto the highway out of her house with a hood furred with budge, whether it be of lamb or of conies, upon pain of forfeiting her hood to the use of the sheriffs, except dames who wear furred caps, the hoods of which bear fur such as they wish. And whereas brewsters (women did most of the ale-brewing in those days), nurses, other servants, and women of disreputable character adorn themselves and wear hoods furred with *gros veer* and minever after the fashion of reputable women . . . ' and so forth, making up a mass of minute regulations characteristic of the time.

G. TOWNSEND WARNER.

Wilhelm von Nogaret, Rat und Grosssigelbewahrer Philipps des Schönen von Frankreich. Von ROBERT HOLTZMANN, Dr. Phil. (Freiburg im Breisgau: J. C. B. Mohr's Verlag. 1898.)

It is in some ways to be regretted that Dr. Holtzmann of Strassburg has preferred to cast the results of his very solid and fruitful studies of the closing years of the reign of Philip the Fair in the form of a biography of William of Nogaret. He can of course plead the example of so great a writer as Renan, whose work in the twenty-seventh volume of the 'Histoire Littéraire de la France,' which has recently been reprinted in a more generally accessible shape, devoted nearly as much space to Nogaret's life as is to be found in the strictly biographical portion of the present book. It is no small achievement for our author to have so far added to and corrected Renan's work that henceforth the serious student will seek for the facts of Nogaret's history in Dr. Holtzmann's dissertation rather than in the more brilliant but somewhat fanciful and incomplete narrative of the

great man of letters. But every one who has worked at first hand on medieval history knows how difficult it is to individualise with any precision even the most important of the secondary characters. Perhaps we deceive ourselves even when we think that we see the springs which move the conduct of an Edward I or a Philip IV. But when we come to their ministers it is nearly always quite impossible to separate their acts from those of their masters. We can never tell whether it was Bishop Burnell or Edward I who really inspired the legislation of the first twenty years of the great English reign. Still less can we be certain with the more complex phenomena and more scanty evidence that are afforded by contemporary France. The very fact that competent historians differ very widely as to the nature and sphere of Nogaret's influence suggests that the means of forming a decisive judgment are hardly to be procured. Dr. Holtzmann has worked too thoroughly at his subject to follow Renan in looking on Nogaret as a man of the type of Richelieu or Suger. But he still goes too far in that direction, regarding him as the most important of Philip's ministers for at least the period after the death of Peter Flotte. Surely this position is more fully occupied by Enguerrand de Marigni than by this supremely competent but somewhat subordinate instrument of King Philip's will. Nogaret's strongest side comes out, and we feel his personality most keenly, in incidents like the Anagni outrage, when all that he had to do was to act boldly and unscrupulously. Yet it is by no means clear that the policy which sent him to Italy was of his own contriving. Certainly in the later portion of his career Nogaret's contributions to high affairs of state seem mainly to have been to supply pedantic reasons for a policy that other brains had devised. It is hard to separate his influence from that of others in cases like the trials of the Templars or the suit against Guichard of Troyes. Personal feeling as well as obedience to his master gives Nogaret a more clearly individualised rôle in the efforts to condemn the memory of Boniface VIII. But even here we feel that the policy of Philip, not the personal wishes of the keeper of the great seal, really determines the relations between the courts of Paris and of Avignon.

Dr. Holtzmann gives us a most careful and exhaustive biography of his hero, but it is plain that his interests extend beyond Nogaret to the burning questions involved in the conflict between Philip the Fair and Boniface VIII, and to the process by which the king made Clement V his absolute dependent. Our author's careful essay on 'Philipp der Schöne und die Bulle *Ausculda Fili*' in the 1897-8 volume of the *Deutsche Zeitschrift für Geschichtswissenschaft* (pp. 16-38) is only a further illustration of this. But the biographical limitation of the present work sometimes makes treatment of such general matters a trifle arbitrary. Sometimes we are taken far away from Nogaret's personal career. At other points Dr. Holtzmann pulls himself up rather suddenly and declines to concern himself any longer with a discussion which it is clear that he is abundantly able to continue with advantage. As a consequence almost of this he is at his best when the biography of Nogaret most nearly includes the broader aspects of history. For example, his account of the Anagni outrage is not only full and critical, but a spirited and vigorous piece of historical description. It wants only those topographical indications,

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which Benan was too much of an artist to neglect, to take its place as the best account of the incident that deals critically with the materials. It is not Dr. Holtzmann's fault that the analysis of Nogaret's pedantic and contradictory apologies and justifications is less vivid and interesting than this central incident of his work.

Dr. Holtzmann is well read both in the more recent and in the earlier literature of his subject. He knows both his chroniclers and his documents, and his researches at Paris have brought to light some very interesting records. The memorial (pp. 253-5) addressed to Philip IV by Nogaret before the king's arrival at Lyons to treat with Clement V in 1305 is a real addition to our knowledge of the period and of the man. Nor is Dr. Holtzmann less skilful in dealing with sources that are already known. English readers will note the large use made by him of two documents printed in that section of the St. Alban's collection of chronicles with which we generally associate the name of Rishanger. The papal *curtesanus* whose vivid contemporary letter speaks so clearly and so truly *de horribili insultatione et deprædatione Bonifacii Papæ*¹ is regarded by Dr. Holtzmann as the most trustworthy source for the Anagni outrage, though his narrative has the disadvantage from the biographer's point of view of not mentioning Nogaret at all. Dr. Holtzmann lays only less stress on the succeeding document which gives an account of the conference about the Templars held before Clement V at Poitiers at Whitsuntide 1308.² Though he is forced by other evidence to recognise not Nogaret, but William of Plaisians in the mysterious 'Willelmus de Wilers,' who puts first the case against the Templars (p. 244), Dr. Holtzmann feels sure from the style of Plaisians's address that its composition is to be ascribed to the fertile pen of Nogaret. This point is established in one of the three discussions at the end of the book, which show Dr. Holtzmann's critical skill at its best. This particular excursus treats of the negotiations at Poitiers in May 1308. Of the two remaining, the one examines the nature of the errand on which Nogaret was despatched to Italy, and the other investigates with great critical skill the sources of our information for the detailed history of the Anagni outrage and the last days and death of Boniface. All these amply justify the statements made in the narrative, though we cannot but regret the necessity of giving up the picturesque details of personal violence done to the old pope which the famous lines of Dante and the classic narrative of Villani have imprinted upon our memory.

Dr. Holtzmann's whole book is thoroughly solid and good. It is, however, another drawback to his biographical method that in treating of the subordinate incidents of Nogaret's career he is sometimes brought into fields which he has not investigated for himself with quite the same care as he has shown in dealing with the main issues of his subject. Nogaret's Languedocian origin and occasional concern in strengthening the relations between his master's throne and the newly acquired southern territories necessitate constant references to the history of those regions. But Dr. Holtzmann is not sufficiently informed either as to the relations of England and France during this period or as to the

¹ Rishanger, pp. 483-91, ed. Riley.

² *Ibid.* pp. 492-7, ed. Riley, where it is misdated 1307.

process by which the French king's authority was extended over Languedoc. Some important recent books seem unknown to him, and even those which he has consulted would have given him rather more than he has got from them had he examined them with greater particularity. As to the former point, it is a great pity that such a book as M. Dognon's 'Institutions Politiques et Administratives du Pays de Languedoc' (1895) was not used by Dr. Holtzmann at all, as it would have given precision to many of his statements. As to the latter point, Dr. Holtzmann's rather hasty use of Denifle's great work might be quoted. The fact that in the early part of his career Nogaret was a teacher of law at Montpellier leads to certain statements as to the history of the University of Montpellier. With reference to this Dr. Holtzmann cites Denifle as an authority for the statement that

in Montpellier was es 1289 den Bemühungen Nicolaus IV gelungen, die verschiedenen Sonderfakultäten (*écoles*, deren jede auch wohl für sich den Titel 'Universität' geführt hatte) zu einem Institut zu vereinigen (p. 18).

Unluckily the reference which Dr. Holtzmann gives to 'Die Universitäten des Mittelalters,' p. 352, virtually refutes this view as to the nature of the changes brought about in 1289 by the bull of Nicholas IV at Montpellier. The separate organisation of the faculties and the title of 'university' given to each of them were continued long after this date. In the same way the speculations of p. 12 as to the meaning of the word *clericus* applied to Nogaret are not particularly in the spirit of even South-French university history of this period, and the assumption that Nogaret's remarkable knowledge of the Bible was *eine Frucht seiner ersten Jugendziehung* can hardly be regarded as serious. Neither can we accept the argument on p. 8 that Nogaret's parents must have lived in Toulouse and practised a trade, because they sent their son to the university there. In fact on p. 11 the refutation of Lafaille's quaint argument for Nogaret's birth within that city might have been extended to the rejection of these arguments also. It might have been pointed out that the evolution of the married knight from the celibate clerk which was worked out in Nogaret's career was particularly easy in a university in which the clerical restriction was so feeble as at Montpellier, where the chancellor himself might be a *clericus coniugatus*. We can illustrate this side of Nogaret's history by the similar position held by Thomas of Weyland, the disreputable chief justice whom Edward I deposed and drove into exile in 1289-90. In both these parallel careers it is interesting to trace the differentiation of the lawyer from the clerical class. Starting as clerks, Weyland and Nogaret succeeded so well as politicians and jurists that before long they altogether abandoned their clerical position. They became knights, judges, married men, and founders of territorial families. In Weyland's case few people even knew that he had once been ordained subdeacon. It is also interesting to note that in England when, after Weyland's fall, he was anxious to claim benefit of clergy, a zealot for clerical immunities like Archbishop Peckham was not indisposed to take up his cause, though his knowledge of the fact of Weyland's ordination seems to have been quite recent. In particular Peckham refused to allow that a former subdeacon

could really contract a valid marriage, and did not scruple to sacrifice the fair fame of the two ladies who had in succession borne Weyland's name.³ But neither the English king nor his courts followed Peckham's lead in this matter. In France, on the other hand, not even Nogaret's papalist enemies questioned the validity of his marriage.

To go back to Dr. Holtzmann's book, we may wonder on p. 20 that he should regard the protection of the *Bürgertum* as the great characteristic of Suger's work, that on p. 27 he should describe St. Louis as *Philipp's mehr ritterlichen als heiligen Grossvater*, and that on p. 28 he should so much minimise the importance of the treaty of L'Aumône. On pp. 182-8 Anglo-Aquitainian affairs are rather inadequately treated. Figeac as a town of Haut-Quercy was ruled by a royal seneschal even in the days of St. Louis. It was certainly quite removed from Edward I's influence long before 1303, and it is absurd to suppose that, three or four years after Edward had become Philip's ally and son-in-law, special precautions were necessary to secure its possession from the English power. Again on p. 22 Dr. Holtzmann writes about the hereditary antagonism of England and France as if the Hundred Years' War had already happened. Dr. Holtzmann is so possessed of this notion that he speaks on p. 139 as if England and France were still unfriendly in 1307. In the same way to say on p. 133, *Quercy war ein Teil der England überlassenen Guienne, aber von Eduard I. bereits in August 1286 feierlich abgegeben*, is somewhat misleading. By the treaty as to Quercy in 1279 a commission was appointed to inquire into Edward's claims, the final result of which was that in 1286 Edward secured certain fiefs in lower Quercy. But these proceedings in no wise disturbed the long continued rule of the French king beyond the Lot. 'Pembroke' (p. 167) should be corrected, and on p. 168 Blanche of Navarre is hardly properly described as *die Königin-Mutter*, which suggests the mother of Philip IV and not his mother-in-law. The statement on p. 242 how *die angelsächsische Schrift war in England noch im späteren Mittelalter keineswegs ausser Gebrauch* is surely too absolute. Dr. Holtzmann uses M. Rigault's 'Procès de Guichard, Evêque de Troyes' to such good purpose that it is almost hypercritical to complain that had he followed up the reference given on p. 27 of that work he would have been able to record that the real name of the Florentine financier 'Mouchet' or 'Musciatto' was Campolino, and that he is not following the most recent French usage in speaking of 'William de Plasian' instead of 'William de Plaisians.' Dr. Holtzmann shows in most cases such knowledge of the most recent French historical work that it is surprising that his notes contain references to obsolete authorities, like Henri Martin. But these are the inevitable results of writing on the history of a country other than one's own. It would be well if many of our English writers approached Dr. Holtzmann in learning and precision when dealing with French history. In all essential points his book leaves but little to be desired.

T. F. Tout.

³ Peckham's *Letters*, iii. 968, Rolls Ser.

Marino Faliero; La Congiura. DA VITTORIO LAZZARINI.
(Venezia: Visentini. 1897.)

THIS careful and painstaking monograph upon the famous conspiracy of Marino Faliero leaves nothing to be desired from the point of view of research. The few documents which exist have been thoroughly examined and their meaning explained. With even greater industry Signor Lazzarini has studied and classified the large number of chronicles that bear upon the subject; the families are clearly defined and the parent chronicles indicated, leaving Nicolo Trevisan still in his place of primary importance, and, among the three exemplars of his chronicle, ranking *Marciana cl. xi. it. cod. xxxii.* highest. Signor Lazzarini is quite satisfactory as to the true value of *non scribatur*; it is merely an indication to the copying clerk to leave space in the register for the transcription of some document that was not yet ready. It is a phrase of common occurrence in the Venetian archives, and does not, as has been conjectured, represent Venetian *pudor* for an infamous deed. Ingenious and probable is the suggestion that the absence of documents relating to the trial and sentence on the doge may be accounted for if, as is conjectured, they were all collected in a volume apart, and that the note *M.F. c. 5* on the margin of *Cons. x. Magnus* refers to page 5 of such a compilation, *M. F.* standing for Marino Faliero, just as 'G. P. B.' is our common indication for 'Gunpowder Plot Book.' This *M. F.* volume is not to be found, and in its absence we are left without documentary evidence as to the nature of the charge, the trial, and the sentence. Such a lacuna is not unknown in the archives of the Council of Ten—for example, in the famous case of Carmagnola—though it is rarely that the actual sentence is wanting.

The thread of the story is carefully unravelled, and what the author calls *la legenda* is relegated to its proper place. The connexion of Michele Steno and other members of his family with the Falier is amply set forth. Signor Lazzarini attributes the doge's participation in this plot to the ancient enmity between Ca' Sten and Ca' Falier and the exasperation of a proud old man at the lightness of the punishment inflicted on those who had insulted him. The whole story is still very obscure; adequate motive is hardly to be found. Petrarch, a contemporary, a friend of the doge, and no incompetent observer, remarks: *Causas rerum . . . explicare, si comperta loqui velim, nequeo; tam ambigue et tam varie referuntur. Nemo illum excusat, omnes autem aiunt voluisse eum in Statu Reipublicae . . . nescio quid mutare.* However that may be, whether we are to see in the conspiracy the working of personal hatred, or a more deep-reaching political movement to change the constitution of Venice from an oligarchy to a tyranny of the usual Italian type, the chief interest of the Falier plot, apart from its picturesque surroundings, lies in this, that its failure marked and confirmed the power of the oligarchy and of its instrument the Council of Ten.

HORATIO F. BROWN.

History of the Walloon and Huguenot Church at Canterbury. By FRANCIS W. CROSS. ('Publications of the Huguenot Society of London,' Vol. XV.) (Canterbury: Printed for the Society by Cross & Jackman. 1898.)

It is an excellent plan on the part of the Huguenot Society to include in its publications monographs alongside of the valuable registers and other *fontes* which it is placing within the reach of the historian; but we hope that the one class of publications will never usurp the place of the other—that, for instance, in the present case the existence of the late Mr. Cross's monograph will not deter the society from continuing to publish in full the records of the Canterbury Walloon church, especially the act books of the consistory. Mr. Cross's book is altogether good. It is based in the first place on the records of the church and upon the archives of the Weavers' Company. Naturally in such a special and localised subject more general manuscript sources, such as Archbishop Wake's MSS. and the State Papers generally, are of less immediate importance. But, though secondary, they are quite indispensable, and have not received all the attention at Mr. Cross's hands which they deserved. This is notably the case, *e.g.*, in the deeply interesting episode of Laud's relations to the Canterbury church. Here the materials abound, especially when we come to Laud's trial, in which his dealings with the refugee churches formed an important part of the charge against him—the Journals of both Houses, Rushworth, the Clarke MSS., Lord Braye's MSS., Laud's own notes, Prynne's works, and so on. But Mr. Cross gives only a reference to the 'State Trials.' Again, there are scattered notices of the Canterbury church in the 'Commons Journals,' a source which Mr. Cross leaves quite unworked.¹ A little closer touch with such general sources would have saved Mr. Cross from writing of the 'Kent sub-committee for ministers' (p. 126); and the records of the Westminster assembly would have shown what an active part Delmé took in it, and that he was appointed a member of it not in January 1645 but on 28 Oct. 1644.² These, however, are small points. The main fact remains that Mr. Cross's narrative, being based on materials hitherto in great part inaccessible, has a value of its own quite regardless of general and otherwise obtainable sources. He determines, for example, quite authoritatively the date of the first real Walloon settlement in Canterbury as belonging to 1574-5, and not, as previously supposed, to 1561 or 1567. In like manner he settles the date of their first occupation of the Crypt, again correcting a hitherto accepted error. Again, he corrects and amplifies all previous lists of the pastors of the church, and in addition publishes some fifty pages of valuable original papers in an appendix.

Mr. Cross, in company with the baron de Schickler, accepts the story of the foundation of a refugee church at Canterbury in the winter of 1548, the period of Utenhovius's first visit to England. I feel convinced that the story is incorrect and that the evidence for it has been misread.

(1) In his letter to Fagius dated *Cantuariae xx Nov. 1548*, printed both in Pijper³ and in Hessels, Utenhovius says—

Salutant te D. Franciscus ac D. Claudius cui dedi ancillam meam nuptui.
Is aliquando est concionatus in nostra Gallica ecclesia.

¹ See, *e.g.*, *C. J.* v. 522-3 for an important order of March 1648.

² See *C. J.* iii. 679.

³ *Bijlage*, p. iii.

This is taken to mean, 'He (Franciscus) sometimes preaches in our French Church [here at Canterbury],' instead of 'He (Claudius) formerly preached in our French church [abroad or at home].' John Burcher, writing in June 1549 from Strassburg, uses exactly the same phrase in speaking of Utenhovius himself: 'He is a disciple of the French church,' meaning, of course, the French church in the Netherlands, not some newly founded Walloon church in England.

(2) The second proof relied on is contained in Peter Martyr's letter of 15 Jan. 1549, dated from Oxford, and addressed *nobili viro Domino Johanni Utenhoviio amico clarissimo Cantuariae*, in which he says:

Quod autem vos et conciones intra parietes habeatis et conventus piorum quandoque sint, non possum non vehementer gaudere.

These words do not contain the slightest indication of the locality of the temporary church whose existence they reveal. The letter is ostensibly addressed to Canterbury, but the assertion is nowhere made that the church or the church meetings were at Canterbury. Utenhovius himself nowhere refers to any exertions of his own at Canterbury in connexion with the founding of a church. He says absolutely nothing about such an episode in his *simplex et fidelis narratio*. In the following year, June 1550, writing to Bullinger, he does refer to his own efforts, and the reference has a possibly retrospective look, as if he had in mind some previous efforts of, let us say, the winter of 1548-9—*nos iam in hoc aliquantulum sudavimus*,⁴ and, by the way, it is to be noticed that in the same letter he uses almost the words which Peter Martyr used: *Martinus noster . . . Flandris nostris inter privatos parietes est concionatus*. But this letter of Utenhovius was written from London, and of course refers to the foundation of John à Lasco's church, and if there is any possible retrospective import in the words quoted (which on the whole seems unlikely) they can only relate to previous efforts in connexion with the same affair at an earlier period, *i.e.* to some attempt at the founding of a German church in London during the winter of 1548-9. There is little doubt in my mind that the temporary congregation of the winter of 1548-9 was formed in London and not in Canterbury.

It is significant that at the time Peter Martyr wrote to Utenhovius his letter of 15 Jan. 1549 Bucer wrote from Strassburg to Baptistus Aulicus,⁵ with reference to what must surely have been the same affair—

Gratulor tibi pietatem istam atque etiam Dei favorem quod ecclesiam Domino colligis. . . . Conatum vestrum quoque commendabo libenter ubi possum.

Now here again there is no indication of locality, but any doubt would almost certainly be removed by the letter of Bucer to Hardenburg of 14 Aug. 1549, which is dated from London.

Sunt hic vero et Germani a 600 ad 800 pii et verbi Dei avidissimi. Hi rogarunt me et Fagium meum ut curarem eis fidelem aliquem concionatorem linguae Brabanticae cuius illi maiore ex parte sunt."

If the 'Germans' in London were seeking a settled pastor in August 1549, they must have had some organisation and some form of meetings

⁴ *Bijlage*, p. lxvii, ep. xxxiv.

⁵ 15 Jan. 1549. Hessels, ii. 17.

⁶ *Epist. Tigur.* p. 352.

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for at least the few preceding months, *i.e.* the time of the first visit of John à Lasco and Utenhovius. According to Utenhovius there were many thousands of 'Germans' in London in 1550.⁷ Such a large settlement must have been a matter of time. It would certainly demand a church, and the attempt to form one may well have been made by John à Lasco and Utenhovius on their first visit, *i.e.* in the winter of 1548-9. There was no such settlement at Canterbury, and it seems absurd to suppose that an attempt should have been made to found a church for a small and passing body of immigrants at Canterbury, while a large and settled body in London should be absolutely passed over. If Mr. Cross could have determined for us Utenhovius's movements during his first visit to England, it would probably settle the whole matter. John à Lasco's first stay in England extended from September 1548 to March 1549—practically the period covered by the first visit of Utenhovius to this country. It is surely probable that the two friends came, if not together, at least with a common object. Now all Cranmer's foreign friends and guests were entertained by him at Lambeth, not at Canterbury; and there took place the conferences which Cranmer held with these reformers.⁸ Why should Utenhovius alone have been relegated as a guest to the archbishop's palace at Canterbury? In the catalogue of the library of Corpus Christi College, Cambridge, there are two letters of Utenhovius, one of which is dated London, 27 Jan. 1549. If this means 1548-9, and not 1549-50, then it would prove that during his first visit to England Utenhovius was in London (and therefore probably at Lambeth) for at least some portion of his stay, and if this is so then it may lend some slight colour to the (otherwise almost inadmissible) hypothesis that the words of address in the above-quoted letter of Peter Martyr of 15 Jan. 1549, *Cantuariae in aedibus Reverendissimi*, may have been intended to stand in Peter Martyr's mind for *Cantuariensis in aedibus Reverendissimi*.

It is impossible to suppose that Utenhovius was excluded from the conferences at Lambeth which Cranmer held with the reformers. Indeed, it is certain that he took a very prominent part in them. In a letter to Bullinger on 30 April 1550 John ab Ulmis, defending himself against the charge of running up to London and leaving his work at Oxford, mentions that he rode thither twice to attend the conferences at the archbishop's at Lambeth, and he proceeds to couple Utenhovius's name with these conferences in an unmistakable way.

Bis eo [Londinio] cum D. Petro Martyre . . . in aulam Cantuariensis equitavi quando confessionem Argentinensis ecclesiae iussu et consilio Petri [Martyris] et Utenhovii a me Latinitate donatam Anglorum archiepiscopo exhibui.⁹

He goes on to add that a third time he had gone to London 'last summer,' *i.e.* the summer of 1549. Therefore the first two visits he describes can only have taken place before that summer, and must be assigned to the period of Utenhovius's first visit, for Utenhovius

⁷ ' . . . Londini ubi Germanorum multa sunt millia ' (Utenhovius to Bullinger, 29 June 1550).

⁸ See Strype's *Cranmer*, i. 279, 281; *Original Letters*, Parker Soc., pp. 476, 535.

⁹ *Epist. Tigur.* p. 266.

was absent from England from April 1549 to about September 1549. If, therefore, we are entitled to infer that Utenhovius was one of the Lambeth circle during those months September 1548 to March 1549, then we are also entitled to form the conclusion that Peter Martyr's reference in his letter of 15 Jan. 1549 to the efforts at forming a church relates not to any single-handed attempt of Utenhovius at Canterbury, but to a larger affair altogether, viz. the attempt of the Lambeth circle of reformers at establishing a Dutch church in London.

Moreover, to attribute to Utenhovius the first formation of a refugee church is to assign him a greater position than the correspondence of the reformers would seem to bear out. Utenhovius was a layman. When he became attached to the Dutch church in London it was only as one of its four lay elders. No decisive part in the origination of the church is assigned to him; it is always John à Lasco who is the accredited founder and head. It is only the simple reference in Peter Martyr's letter of 15 Jan. 1549 which has placed Utenhovius in an unduly exalted position. We may note that John à Lasco himself nowhere assigns such a prominent part to Utenhovius. See, for instance, the epistle dedicatory to Sigismund Augustus, king of Poland, prefixed to his *forma ac ratio . . . in . . . Germanorum ecclesia instituta Londini*, where, while speaking quite freely of the part he himself played, he does not even mention the name of Utenhovius.

Against the view which I have tried to establish that the first refugee church was founded in London in 1548-9, and not in Canterbury (and that consequently the first church at Canterbury cannot be dated earlier than 1567), it goes for very little that Strype should oppose the high authority of his name. For Strype was handling only the material which I have handled above, and evidently mistook it. Indeed, the legend of a refugee church in Canterbury in 1548-9 would appear to have taken its rise with him.

W. A. SHAW.

Calendar of State Papers, Venetian, 1592-1603. Edited by HORATIO F. BROWN. (London: Her Majesty's Stationery Office. 1897.)

MR. HORATIO BROWN'S interests are so varied that they make his 'Calendars' as difficult to review as they are delightful to read. Even the execution of the Cenci is here chronicled, though its relation to English history is not obvious. The struggle for influence at the Porte naturally occupies a large portion of the volume. The introduction not only gives an admirable summary of this, but renders it infinitely clearer by drawing from the despatches of the two English envoys, Barton and Lello, found by the editor in the Public Record Office. The forged letter by which Barton procured the disgrace of the envoy of the League, De Lancosme, and the sanguinary conflict between French and English which arose later from snowballing, illustrate the mingled methods of fraud and force employed in pushing commercial interests in the East. The question at issue is usually that of the covering flag, especially in relation to Low-country ships, as to which Lello at length successfully maintained his claim. The Venetian envoy was peculiarly disturbed at Lello's request for an English church at Galata in order to prove that the English were not infidels, as the Franks and Greeks asserted. 'God be praised,' wrote

Girolamo Capello, 'that the husbandman was not introduced to sow the seeds of poisonous and deadly plants.' But equally dangerous to Venetian commerce, if not to catholic doctrine, was the importation of English woollens, for their excellence, he wrote, rendered it likely that English factories would spread over Turkey, as over Syria and Egypt.

Trade and piracy went hand in hand, and to English readers the most novel feature in this volume will probably be the ample illustration of English piracy in the Mediterranean. The English merchantmen were armed not only for defence but for attack, their quarter and main decks being kept free for artillery. Depots were established in the Ionian Isles, the Morea, and the Cyclades, the Turkish officials apparently conniving at processes convenient and profitable to themselves. At the Porte the Turks admired the efficiency of the English ships which brought presents for the sultan, and indeed the jealous Venetian envoy feared that they would do damage to Christendom by opening Turkish eyes to secrets in building and armament hitherto unknown. Lello frankly admitted the piracy, saying that in truth very few ships did sail for trading; but England, though a very rich feeding ground, was not able to support the whole nation; therefore they had to take to the sea and be fully armed, on account of the Spanish, their powerful foes; sometimes they did not find anybody on the sea, and so pushed further. It was not only the Levant that English mariners infested. They carried off salt ships from Iviza, haunted the coasts of Provence and Morocco, swarmed off Gibraltar and Finistère, imperilled the coasting trade of Picardy, Normandy, and Brittany. St. Helena was the headquarters for ships on the look-out for East Indian merchantmen; they were found off the Congo and off Peru, attracting the love of the natives by refusing valuable presents. No sooner had the Spaniards landed at Kinsale than English ships appeared, closing in the devoted force. They had 'no fear nor knowledge of God nor of law.' No wonder that they were hated, and that the king of Morocco made reprisals, while the king of Denmark closed the Baltic.

Both those who command and those who execute here in England (wrote Scaramelli, the Venetian envoy, in 1603) see quite clearly how great, how universal, and how just is the hatred which all nations bear to the English, for they are the disturbers of the whole world; yet with all this they not only do not take any steps to remedy the mischief, but in a certain sense they glory that the English name should become formidable just in this way.

The royal fleet had, indeed, sunk from a hundred to fifteen or sixteen ships, and the national strength consisted in small privateers, which made the ministers and great men partners in their profits, and so secured immunity. In 1603 English merchants were forming a syndicate to force the passage of the Sound, and the decision was anxiously expected, for 'this English race in matters of marine not only does not esteem but actually despises every other nation in the world.' It was immediately after this that the Scottish ambassador very secretly begged Venetian aid for his master's accession, on the ground that he would put down buccaneering. This was a presage of Raleigh's fall and English decadence. Elizabeth's government was not always unreasonable, and there are some very modern touches. It issued an order in 1599 that grain carried by French

ships to Spanish ports was not to be considered contraband of war, while Henry IV engaged to prohibit the trade if it proved to be injurious. Again in 1602 it was agreed between France and England that ships might be searched, but not seized nor pillaged. The right of search arose from the suspicion that arms were being imported into Spain from Germany and Danzig.

The buccaneering connects itself closely with the more regular war with Spain. Several despatches relate to the capture of Cadiz, which confirm previous knowledge as to the excellent behaviour of the English landing force and the panic in southern Spain. 'These misfortunes,' wrote Agustino Nani, 'are attributed to the dominate wish of the Spaniards to chew their deliberations.' Idiaquez, on the other hand, consoled his hearers with the reflexion that the English knew how to conquer, but they could not hold. There is, however, not much that is new in these letters, or in the somewhat scanty information relating to Drake's final reverse and death. On the other hand the abortive armada of 1597 is described with much detail; and full of interest also are the letters relating to Don Juan d'Aguila's occupation of Kinsale, his pathetic appeal to the Irish people, and the tragic end of the expedition. The despatches from Spain and France will be of real service to the historian of the religious and foreign wars from 1592 to 1598; they dwell on the schemes for the French succession, the attempt of Parma to relieve Rouen, the struggle for Brittany between Henry IV and his English allies against Mercœur and the Spaniards, the capture of Calais and of Amiens, and the negotiations which led to the peace of Vervins. The envoy in France notes the constant jealousy between French and English. This was apparent even in Brittany, where their aims scarcely differed. Henry IV had not sufficient foresight to realise that Elizabeth was giving him the most effective aid by directing her attacks against the coasts and the sea power of Spain. It is noticeable that he objected to an English attempt upon Dunkirk. He would not hear of the proposal that Elizabeth should recapture Calais from the Spaniards. 'Certainly not,' he cried, 'and if she goes there I will call out my troops to stop her.' His reasons were, said Piero Duodo, that he would then have two enemies in France instead of one, and that the English, owing to their ancient claims and the support of heretics, would be the more dangerous of the two. The Venetian clearly thought it an open question whether the English or French would first make a separate peace. The treaty of Vervins was indeed a rude blow to Elizabeth, whose people, for commercial reasons, craved for peace, and yet did not dare abandon the United Provinces. When she threatened Henry with war he told the bystanders that he wished 'first to free himself from the lion's paws, and then he could easily protect himself from the cat's claws. In France the peace was indescribably welcome to all but Huguenots, soldiers, and financiers, but in Spain it was thought a disgraceful surrender. 'It will not be published,' said Fuentes, 'for we are ashamed of it; it was concluded by those who don't understand the use of arms.'

Philip's alienation of the Netherlands was as much disliked in Spain; if it had to be done again, wrote Soranzo, they would not be ceded, for Philip III would rather give his sister Portugal, the Netherlands being

essential to the retention of the American trade and as a bridle upon France. As Parma was disliked by the Spanish officers, so the Netherlands nobles disliked both the archduke and the incompetent commanders sent from Spain. A report from the loyalist Berlaymont to Philip III, most interesting at the present moment, insists on an army of at least 50,000, all effectives, to meet the Dutch, who were owing their success to their marvellous mobility and skill in retreating; command should be given to native loyalist officers, or at least their counsel taken, for how could officers fresh from Madrid understand the local conditions of success? The brilliant operations of De Rosne against the French certainly justified Berlaymont's belief in the native nobility. He also had hopes of internal discord, for had not Maurice thrown his sword on the floor and sworn that he would serve the States no longer? There was some truth in the report that Guelders and Friesland objected to being the bulwarks of Holland and Zealand, though, as their cattle trade depended on the Dutch markets, they had no option.

When reviewing a previous volume I pointed out how much light it threw upon the decadence of the two military monarchies, Turkey and Spain. These pages afford further illustration. Mahomet III was, as his predecessor, 'a knight of Cupid' and a glutton to boot, while the factions among the great officials prevented any consistent policy. In Spain the trouble arose from the disaffection of Portugal, the increasing burden of debt and taxation, and the incapacity of the king to keep abreast of the work which he imposed upon himself. The Portuguese saw their enormous wealth dissipated and their commerce destroyed owing to the union; they looked eagerly for another English landing; they were delighted at the successes of Henry IV; their sailors, as those of Biscay, fled to the mountains to escape conscription. In Aragon also feeling against Philip II was very bitter, while the Castilian grandees were opposed to any measure which might exalt the crown, a symptom of the aristocratic reaction which came to a head under Philip III. The financial straits were desperate. After the capture of Cadiz Philip, with an emotion rare to him in good or evil fortune, seized the candlesticks on his table and swore that he would pawn them and all that he possessed to be avenged upon Elizabeth. Philip III in 1600, writes Soranzo, actually did sell furniture, plate, and jewels by auction under feigned names. Several despatches relate to the difficulties of raising the new subsidy termed *millones*, even after it had been voted by the Cortes. In 1594 Philip II yielded to the temptation which he and his father had resisted, and alienated for a capital sum *encomiendas* in the Indies, previously leased on one life only. His reign closed with the bakeries in Madrid shut and the people with money in their hands crying 'Bread! bread!' We must not spoil by quotation the pathetic passages which describe the old king's last days, nor yet Soranzo's excellent summary of his character and the fortunes of his reign. It concludes with a cautious forecast of the unknown quantity, the characterless young king.

The death of Philip's great rival, Elizabeth, is the closing scene of this volume. The Venetian secretary has naturally not much knowledge of internal politics. It was only within two months of the queen's death that the republic condescended to send an envoy to the heretic, and the

ostensible reason of the mission was the English piracy in the Mediterranean. Scaramelli can only retail gossip as to the queen's last illness, her melancholy, caused by the fate of Essex, the condition of Arabella Stuart, and the uncertainty of the succession. The despatch, however, which describes his one interview on 16 Feb. 1603 is very graphic, and of interest also is that of 7 April which dilates on the queen's talents and the power that she had left by sea and land: 'One may almost say that the new king can make a bridge of ships across the sea.'

E. ARMSTRONG.

L'Alsace au Dix-septième Siècle. Par RODOLPHE REUSS. Tome II. (Paris: Emile Bouillon. 1898.)

M. REUSS here publishes the final outcome of his exhaustive researches into the Alsace of the seventeenth century, the first instalment of which was noticed in the *ENGLISH HISTORICAL REVIEW* for April 1899. A careful perusal of these 600 closely printed pages, with their elaborate footnotes, can only strengthen the reader's admiration and gratitude for M. Reuss's ease and clearness. For the student, perhaps, who is mainly interested in political history, this volume will hardly have the attraction of its predecessor, since the problems with which it deals are very largely free from the flavour of controversy which gave necessarily so much colour and life to the most important sections of the first volume. And he will inevitably regret that M. Reuss, who is almost severely analytical throughout, has denied himself the opportunities for brilliant narrative and erudite pleading, of which he previously made so striking a use. The subject matter discussed divides itself naturally into three heads, the social, intellectual, and religious life of Alsace in the period under review. In one sense, therefore, M. Reuss's second volume is an independent work, yet the essential connexion with the first part is carefully maintained. The author's object throughout has been to study the gradual absorption of Alsace by France, and to trace the methods and results of that absorption. He now first of all completes the study by an analysis of three of the most important aspects of a people's life, and in performing the task takes especial pains to supply the most convincing proofs. The elaborate *pièces justificatives*, drawn from a wide field of observation, of many of the most serious conclusions tentatively advanced in discussing the purely political and constitutional problems. To give but two examples out of many that might be selected: in vol. i. M. Reuss laid great stress on the secret of French administrative success as lying in a wise, almost cool tolerance, in the encouragement of Alsace to develop under French protection on the lines of its own 'national' genius and traditions. His analysis of details now provides a cumulative and impressive proof of the proposition:

C'est assurément l'un des traits les plus singuliers . . . que cette absence complète d'efforts pour hâter une assimilation que le temps à lui seul eut la mission de mûrir (p. 395).

Conversely our attention was specially drawn to the chief blot in the Alsatian policy of Louis XIV and his ministers, their harsh and bigoted treatment of the religious question. The eighth book—'L'Alsace

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Religieuse' (pp. 397-591)—as an independent and exhaustive statement of the facts is almost beyond criticism; it is a terribly complete arraignment of the injustice and havoc wrought by applying to Alsace the principles of ecclesiastical administration conveniently summed up in the revocation of the Edict of Nantes. M. Reuss has no difficulty in destroying piecemeal the advocates of the king, in showing that he followed

une politique mesquine, étroite, tout à fait indigne d'un grand roi et d'un grand état . . . l'état se fit missionnaire et par suite persécuteur (p. 537);

and again (p. 561)

que ce qui nous semblait encore plus odieux que toutes ces violences dont nous ne mentionnons qu'une bien faible partie [they occupy about 100 pages] c'était la tentative hypocrite de les cacher ou de les nier à la face de l'Europe.

In the first section the picture of Alsatian society is deftly put together, with frequent touches of no little humour, as, for example (p. 15). the illustration of how in 1680 *une perruque était chose absolument inconnue*. The young Parisian, *qui se moquait de son mauvais allemand*, on throwing back his wig saw the society of his lady friends break up in fright with cries of, *O Jesus, potztausend! der Herr hat sein Kopf geschnidet ab!*—an excellent sample too of German as it was spoken by the Alsatian. The chapter on popular superstitions and witchcraft is particularly good. It could only be wished that M. Reuss had strengthened it by a comparison with the views held in other parts of Europe. The astonishing revelations of the Saxon archives in the contemporary cases of the baronesses von Rochlitz and von Cosel would have supplied some very effective references. Yet M. Reuss's own conclusions are striking enough.

De ces données multiples, bien que fort incomplètes, il résulte que c'est par milliers que furent immolées les victimes . . . et qu'en Basse-Alsace même les régions catholiques ont fourni plus de sorcières que les régions protestantes.

And he goes on to show how the cessation of these horrible persecutions was almost wholly due to the action of the French administration. The slow but steady progress of the French language in the province supplies one of the most valuable and critical chapters in the volume. M. Reuss's own position, supported by elaborate evidence, is practically that of the intendant La Grange, who wrote in 1698:

La langue commune de la province est l'allemand; cependant il ne s'y trouve guère de personnes un peu distinguées qui ne parlent assez le français pour se faire entendre, et tout le monde s'applique à le faire apprendre à ses enfants, en sorte que cette langue sera bientôt commune dans la province—

a prophecy, adds M. Reuss, *absolument réalisée vers 1720*; and in the general attitude of the government on the language question—

que la monarchie française n'a jamais songé à entraver l'usage de la langue allemande en Alsace, ni considéré sa suppression comme un moyen utile ou désirable pour hâter la mise en œuvre de l'assimilation—

he naturally finds not the least convincing proof of the sound principles of policy followed by the civil administration.

The whole section on education, with its extended description of the university of Strassburg, if at times almost unnecessarily technical and prosaic, bristles with matter of interest. We may note that the Strass-

burg faculty of medicine was one of the first in Germany to organise *un théâtre anatomique*, and allude to the importance of its library and botanical garden. Down to 1611 the university remained *une institution confessionnelle*; after that date *les étudiants étrangers à l'Alsace sont infiniment plus nombreux que les enfants du pays*. The curious accusation is quoted that from time to time the examiners in the faculties were unduly lenient and sent into the world *magistros misericordiae*. M. Reuss sums up: *On voit quelle chute profonde marque pour la fréquentation de l'université l'annexion de la ville libre de Strasbourg*. Pleasantly mingled with the analysis of faculties and their work come most entertaining sections on the social life of the student. The complaints of those in authority against *cette jeunesse indomptable* run through the familiar gamut from idleness to rowdiness, including, of course, many allusions to *viehisch nächtlich schreyen und jählen*. But surely there is exaggeration in the picture drawn by a medical professor:—

On ne sait vraiment plus si ce sont des étudiants ou des soldats. Ils font partout un vacarme comme s'ils avaient tué Goliath. Quand les professeurs sont à leurs cours ces beaux cavaliers viennent à leur rencontre bottés, éperonnés, la cravache à la main, et ne se gênent pas pour faire de l'escrime sous le nez même de leurs maîtres, qui parfois ne savent plus comment passer.

Passing to his account of the catholic schools and seminaries, we find M. Reuss paying a high compliment to the fruitful activity and wonderful organising power of the Jesuits; here, as elsewhere, they prepared the way for and reaped the fruits of the victory of the Counter-Reformation. But the final chapter on primary education perhaps contains the most novel information. The work of such primary schools as existed is best summed up in the description of the duties of a teacher in 1663.

Son devoir est de tenir son école avec zèle durant tout l'hiver, d'enseigner aux enfants à prier, à lire et à écrire, d'assister au culte, de guider en conscience le chant du fidèle, de sonner à temps les cloches, de bien régler l'horloge, de balayer l'église et de tenir en bon ordre ce qui appartient à la paroisse.

And the picture is rounded off by adding two more statements: (1) that it was no part of the school routine to teach French, *non seulement alors mais encore pendant le xviii^e siècle tout entier*; (2) that if *les jeunes filles* were for form's sake included in the scheme of primary education, to speak of secondary education for them *aurait presque l'air d'un anachronisme*.

An English reader of this volume may be pardoned for pointing out that M. Reuss is not always happy in his use of English words—*e.g.* (p. 48) *tout flirt était interdit*, where *flirting* ought to be read;—and is the statement (p. 125)—

Nous voyons à la fin du xix^e siècle les Anglais laisser pénétrer jusque chez nous le choléra plutôt que de gêner un peu leur trafic avec les Indes—

either impartial or accurate? More serious issues are raised from time to time by M. Reuss's generalisations, one example of which will illustrate the searching of heart they cause. We read (p. 596):

Sur le terrain des lettres, des sciences et des arts, le xviii^e siècle est, un peu partout en Europe, sauf en France, un siècle d'arrêt, voire même de décadence . . .

and cannot but ask whether M. Reuss could carry with him the assent of Germany, Holland, and England to so sweeping a proposition. Lastly, the index is confined to proper names, nor are the obvious *lacunae* in references to the extraordinarily rich subject matter of the two volumes made good by those full analyses of the contents of the chapters which French and German *savants* apparently think more helpful than the briefest index. In M. Reuss's pages we have a monumental work on Alsace, but it is a monument which every student who would understand and appreciate it aright must take to pieces and reconstruct for himself. It is a pity that the labour of thirty years should be rendered ineffective by refusing to add the labour of thirty days. C. GRANT ROBERTSON.

The Life and Campaigns of Alexander Leslie, First Earl of Leven.
By CHARLES SANFORD TERRY. (London: Longmans, Green, & Co.
1899.)

MR. TERRY has recognised the fact that the life of Alexander Leslie cannot be made to lend itself to a popular narrative. By preserving the original spelling of the documents he quotes, as well as by quoting all available documents which bear upon his subject, however unimportant they may be, he has produced a work for which historical students will heartily thank him, but which will hardly commend itself to the taste of the average reader of military history.

Of all generals Alexander Leslie is the least picturesque. There was nothing dashing about him, nothing of the genius which wrests victory from fortune by unexpected combinations on the field of battle or in the campaign. He was calculating and methodical, an excellent drill sergeant, and a conductor of armies on recognised principles. Fortunately for him his work in the Civil War lay almost entirely in the conduct of sieges, and when, at Marston Moor, he had to take part in a great battle, the battle was won by the skill of Cromwell, while he was found among the generals who ran away, thinking the battle lost when it was about to be won. Nor, though he fought in the service of a political party, did Leslie ever allow himself to be beguiled into the field of politics. He was indeed a staunch covenanter, in the sense that no temptation could induce him to abandon the cause he had embraced, but nothing would induce him to join in the consultations or intrigues which preceded action. It may be said of Monk that he was a soldier first and very little of a politician. Leslie was a soldier and nothing else. He absolutely refused to allow a political question to find an entrance into his mind.

The only occasion on which Leslie showed strategical powers was when he defeated Conway at Newburn, and of that defeat we owe to Mr. Terry not only a fuller but also a more careful account than we have yet had. But though Mr. Terry puts too much of the blame of failure upon Conway, and too little upon the government which, in its desire not to overstep its legal powers, discouraged him from taking the measures needed to place Newcastle in a proper state of defence, it hardly needed much strategical ability to perceive that, as Newcastle was fortified, while Gateshead was not, the only rational course for the Scottish general to pursue was to cross the Tyne at the first ford above Newcastle, in order

to seize on Gateshead. That Conway should march out with half his force, and put himself at the bottom of the trench through which the Tyne flows at Newburn, to be shot at by the Scottish guns on the top of the bank at Newburn, was an unexpected piece of good fortune, of which Leslie was not slow to take advantage.

In dealing with Marston Moor Mr. Terry has been able to reproduce the map upon which Mr. Firth based his new reading of the tactics of the battles which is to be found in vol. xii. of the *Transactions of the Royal Historical Society*. As I have no doubt that, whenever the chance is offered me, I shall have to rewrite the whole story, I can only now express my gratitude to Mr. Terry for having submitted the new evidence to his own independent judgment.

SAMUEL R. GARDINER.

Selections from the Papers of William Clarke, Secretary to the Council of the Army, 1647-1649, and to General Monck and the Commanders of the Army in Scotland, 1651-1680. Edited for the Royal Historical Society by C. H. FIRTH. Vol. III. (London: Longmans, Green, & Co. 1899.)

MR. FIRTH has now added to the Royal Historical Society's publications a further instalment of the copious 'Clarke Papers,' being selections from vols. xxv.-xxxi. of the manuscripts in the library of Worcester College, Oxford. The first volume of Mr. Firth's selections was reviewed in the *ENGLISH HISTORICAL REVIEW* of Oct. 1891 (vi. 781); the second volume was reviewed in April 1895 (x. 374), and the reader is referred to what was there stated about William Clarke and the history of his manuscripts. It cannot be said that the new volume is equal in interest to the first two, though this is not at all due to any want of care or discretion in the editor. It is the inevitable result of the date to which these documents belong. They extend over the six years from April 1658 to April 1659, i.e. from the expulsion of the Long Parliament to the first seven months of the Protectorate of Richard. During this period William Clarke was in Scotland, military secretary to the commanders there. Very little of importance took place in that country during the Protectorate; and the papers of local interest that Clarke left have been published in two volumes by the Scottish History Society. The papers that Mr. Firth has collected in the present volume are almost entirely newsletters and reports sent from London by official *précis*-writers to inform the military chiefs in Scotland as to the course of things. As, during most of this time, things were in the strong hand of the Protector, were usually kept in strict privacy, and were but little affected by discussions in parliaments or councils, there was not much that could be told to the army in Scotland; and accordingly we miss in vol. iii. the interest of the fierce debates and the clash of competing interests and characters which gave such life to the two previous volumes of Clarke's memoirs and reports.

It will be seen that the newsletters in this volume begin very near to the point at which the second volume of Mr. Gardiner's 'History of the Commonwealth and the Protectorate' ends; but, as a few of these papers have been published in this Review and some others have been in Mr. Gardiner's hands, he has been able to make some partial use of them. It need hardly be said that Mr. Firth has given to this volume, as to the

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rest, the same indefatigable attention, has brought to it the same intimate knowledge of the men and events of the epoch, as mark all his other work. The volume, though of less intrinsic interest and value than its predecessors, contains many things which the student of the Protectorate could not neglect. It has brief reports of two speeches of Cromwell, not known to Carlyle, personal narratives of the wretched campaign in the West Indies and of the glorious campaign in Flanders, and several curious anecdotes and local touches which give life to our knowledge of the age.

Apart from these personal anecdotes and narratives the principal value of this volume to the historian seems to lie in the degree to which it accentuates the strictly military character of the Protectorate government, and also the extreme energy required by the Protector to keep the army in hand and to persuade it to accept his policy. If these newsletters were to be taken as giving a complete picture of these six years, 1653-1659, we should suppose that parliaments, politicians, and civilians in general had as little to do with affairs as they had in Prussia under Frederick the Great. People of this *pékin* sort are summarily dismissed with a few general remarks. The famous scene of Cromwell expelling the Long Parliament is simply 'after something said by the General' (p. 1) the speaker 'was (modestly) pull'd out by a member of Parliament and army' . . . 'and the Parliament was dissolved with as little noyse as can bee imagined' (p. 2). When Cromwell dismissed his first parliament, 28 Jan. 1655, we are simply told 'every one departed without a word his severall way' (p. 20). In the second Protectorate parliament (17 Sept. 1656), when 120 elected members were excluded by the Council from sitting, it is said, 'Severall persons returned have not ticketts to goe into the House, for that they were elected by the cavalleere party, and other reasons.' The council, in fact, installed itself as a court to approve valid electoral returns, and 'Colonel Mylls, Colonel Biscoe, and Lieutenant Colonel Lagoe were appointed to peruse the ticketts' (p. 74), as we know so much to the delight of Carlyle.¹ The fierce speech of the Protector in dissolving his second parliament, 4 Feb. 1658, is fully reported, with some slight variations from the version given in Carlyle.² Nothing further is said except that 'many of the Commons cryed Amen,' an incident for which Carlyle could find no contemporary authority. And Clarke's Papers laconically add, 'And so the Parliament was dissolved' (p. 139), the army chiefs apparently agreeing with Carlyle's approval, but in soldierly reticence.

On the other hand the struggles that Cromwell had with his own officers run all through this volume. The army chiefs are the real parliament, at any rate the great council of the nation, and Cromwell's task 'to educate his party,' as we now say, was continual and difficult. In the early days of the Protectorate Colonels Okey and Alured are brought before a court martial, and Colonel Saunders is brought before his highness and ordered to resign his commission (pp. 10, 12, 17). General Lambert was dismissed from all commands (p. 113, July 1657). In February 1658 Thurloe sends to Monck a full account of an obstinate debate between Cromwell and Major Packer and other officers of his own regiment. The major 'expressed much dissatisfaction as to the present

¹ See Speech v.

² Speech xviii.

affaires, and said all his Captaines were of the same mind.' His highness discoursed with them at large, 'tooke much paines with them to satisfie their scruples, which seemed mainly as to the goodness of a Comonwealth' and 'the old cause.' Again and again the Protector met them in conference, but could not shake them, and at last he 'dismist them all from their commands'—Major Packer, and five captains. 'These are all Anabaptists' (pp. 140–141).

The newsletters insist that the proposal to make Cromwell king came from unofficial and civilian sources. Thurloe assures Monck that it came from the parliament only, and that his highness knew nothing of the particulars until the bill was brought in; and it is noted that all the major-generals voted against it; most of the officers of the army talked openly of their dislike of it (pp. 90, 91). There is nothing in these papers to show that Cromwell himself promoted, or even favoured, the suggestion of his kingship. Lawyers and other civilians pressed for it as a solution of insuperable constitutional difficulties. Cromwell certainly wanted 'a free hand,' but also a constitutional and parliamentary authority. He saw how this was bound up with monarchy. But, after a time of hesitation, he fully recognised the indomitable opposition of the army. And this was always, to him, the real force and the sound opinion whereon to rely.

The speeches of Cromwell reported in these papers differ in no material point from the texts in Carlyle. The two of March 1656 (p. 65) and that of 27 Nov. 1656 (p. 83), as also a short speech from the Clarendon papers in the Bodleian Library (p. xv), are of no importance and add nothing to our knowledge. The account of the conspiracy and abortive rising of 1655 is conclusive as to the formidable and widespread character of the attempt. It ought to convince even Sir Reginald Palgrave that it was far from being 'a put-up job,' the work of provocative agents of the Protector. There are interesting despatches relating to the Jamaica campaign and the battle of Dunkirk, but they add no material point. 'Prayse God Barebones' seems to have been quite seriously written in official documents even in 1655 (p. 48). 'Some hundred of women are committed to the Tower, not being able to give a satisfactory account of themselves' (p. 64). 'Upon a motion against blackpatches used by women on their faces all undecency in apparrell was also moved again.' Evidently morality was treated as in modern county councils. Although, as it has been said, the present volume adds little that is new or important to our knowledge, students of the Protectorate have to thank Mr. Firth for a work they cannot neglect.

FREDERIC HARRISON.

The Economic Writings of Sir William Petty, together with the Observations upon the Bills of Mortality more probably by Captain John Graunt. Edited by CHARLES H. HULL, Ph.D. 2 vols. (Cambridge: University Press. 1899.)

THE economic writings of Petty had become scarce and dear, and the British Economic Association had thoughts of reprinting at least the 'Treatise of Taxes and Contributions,' when Dr. Charles Hull relieved them of the task by doing much more than they had proposed. Besides

giving a careful reproduction of all the published and some unpublished economic works of Petty, he has provided in his introduction a biography, bibliography, and general estimate, with ample references to authorities and sources. He had already (in the *Quarterly Journal of Political Science* for March 1896, xi. 105 *seq.*) decided against Petty's authorship of the 'Observations upon the Bills of Mortality,' but he has included the 'Observations' in the present collection, thereby making his book more valuable to all but the mere biographer.

Dr. Hull is certainly no blind admirer of the eccentric genius whose works he edits. If there is one thing associated with Petty in the popular mind more closely than another, it is the phrase 'political arithmetic,' the title of his best known tract, written about 1676 (vol. i. 235), and being an attempt to estimate the population and wealth of Britain, Holland, and France. Lest any should think that political arithmetic means what we now call statistics, Dr. Hull reminds us that

statistics demands enumeration. The validity of its inferences depends upon the theory of probabilities as expressed in the law of large numbers. Therefore it adds; it does not multiply. Political arithmetic, as exemplified by Petty, multiplies freely, and the value of its results varies according to the nature of the terms multiplied. For example, in the absence of a census Petty had to calculate the population of London, of England, and of Ireland. His calculations for London are based upon the number of burials and upon the number of houses, facts which at least bear some relation to the number of people. The burials he multiplies by thirty, an arbitrary figure for which he pleads Graunt's authority; the houses he now multiplies by six, and now by eight, as suits his purpose. The sources of probable error are obvious. The population of England he further estimates at eleven times that of London, because London pays one-eleventh of the assessment. The chance of error is thus raised to the second degree. Nevertheless the calculation is not altogether unreasonable, and Petty asserts that the results 'do pretty well agree' with the accounts of the hearth money, the poll money, and the bishops' numbering of the communicants, figures which he neglects to give,

and which, the editor adds, when we get them do not always bear out the assertion (vol. i. p. lxxvii). Besides this 'Discourse on Political Arithmetic' Petty wrote no less than eight 'Essays' on political arithmetic of similar purport. These, with the 'Political Anatomy of Ireland' and other Irish papers, the 'Treatise of Taxes,' '*Verbum Sapienti*,' and the racy dialogues '*Quantulumcunque* concerning Money' (1682) and of 'Diamonds' (1674), are all to be found in Dr. Hull's collection. Dr. Hull's 'Life of Petty' owes, of course, a great deal to Lord Edmond Fitzmaurice's recent publication,¹ but every other source has been turned to account. The annotations to the economic writings are just what is wanted. A facsimile of Petty's handwriting forms a frontispiece to each of the two volumes. It is a book of which both the American editor and the English publishers may be justly proud.

J. BONAR.

Great Britain and Hanover; being the Ford Lectures delivered in the University of Oxford, 1899, by ADOLPHUS WILLIAM WARD, Litt. D. (Oxford: Clarendon Press. 1899.)

It is not too much to say that the real significance of the personal union between Great Britain and Hanover has never before been accurately

¹ *Life of Petty from Private Documents*. London, 1895.

estimated by any English historian. Beyond receiving a general and often an erroneous impression that English interests were in some ways sacrificed to those of Hanover during the reigns of George I and George II, students of English history have ignored the important light thrown upon the motives and policy of English statesmen during the first half of the eighteenth century by the union of England and Hanover. There is no doubt that during the first two Hanoverian reigns English political history was considerably affected by the dynastic traditions, ideas, and tendencies of George I and George II. Loyal adhesion to the house of Austria and an anxious jealousy of the advance of Brandenburg had long before the close of the reign of Queen Anne become the dominant note of the foreign policy of the electors of Hanover. The aggressions of Louis XIV had roused and strengthened their patriotic resolution to support the emperor, a resolution which in no way interfered with a determination to establish and improve the position of the electorate in the empire. After the accession of George I Bernstorff continued to represent the Hanoverian aversion to Brandenburg, while Carteret, who enjoyed the confidence both of George I and George II, adhered steadily to a close alliance with the court of Vienna. In the very interesting lecture on the 'Foreign Policy of George I' Dr. Ward removes many misconceptions and solves many difficulties. The famous triple alliance of 1717 'was due neither to British nor to Hanoverian statesmen, but to the regent Orleans himself.' This treaty, as is well known, was a blow to Townshend, who had not taken a hand in the French negotiations, and for a few years it established the ascendancy of Hanoverian influence in the English court. The quadruple alliance was, however, a more direct reflexion of the views of George I. Bernstorff and Bothmer, the Hanoverian ministers, were ready to promise almost anything in order to strengthen the emperor's position and to secure his alliance, while Stanhope, who was working ostensibly with them, was not always in agreement with views which represented Hanoverian traditions and Hanoverian interests. Nevertheless the quadruple alliance was, on the whole, a considerable triumph for English statesmanship, though the cession of Sicily to the emperor, in direct violation of the treaty of Utrecht, was a discreditable business, and justified Alberoni's active hostility to the English and Austrians in every part of Europe. How nearly successful his plans were in the north is admirably told by Dr. Ward, who is the first English historian to give us an accurate account of the quarrel between George I and Peter the Great over Mecklenburg. It was on this question that British and Hanoverian interests became curiously intermingled, and at times openly clashed. If England had no concern with the fortunes of Mecklenburg, at any rate the future of the Baltic trade, and the balance of power in the Baltic itself, was of vast importance to her. If it had not been for the death of Charles XII, it is hard to see how Alberoni could have failed to unite Sweden and Russia in alliance against England.

The first treaty of Vienna, which startled Europe by an alliance between Austria and Spain, who threatened to seize Gibraltar, to restore the Jacobites, and to destroy England's trade, was followed by a series of rapid changes bewildering even to the clearest mind. While the treaty of Seville in 1729 separated Austria and Spain, and restored, so to

speak, the *status quo ante*, and while the second treaty of Vienna in 1731 brought the emperor and Spain to a harmonious understanding respecting the possession of Parma and Piacenza by Don Carlos, Europe found itself in 1733 suddenly involved in the Polish succession war, in which France, Sardinia, and Spain attempted to hurl the Austrians from Italy. It was well for England that during this unquiet period a man of Walpole's sagacity was at the helm. On questions of foreign policy he had clear views which differed from those hitherto in favour with the Hanoverians. He recognised that an alliance with Prussia would be most advantageous for our commercial interests and for strengthening our position in the north; he was opposed to entering into any intimate relations with Austria. In 1730 he had indeed recognised the pragmatic sanction, and so induced the emperor to agree to the second treaty of Vienna; but he firmly refused to allow England to be dragged into the Polish succession war. In the Austrian succession war, however, George II, supported by public opinion, was enabled to give Maria Theresa valuable assistance. But the colonial wars with France and Spain prevented England from devoting all its energies to the continental struggle, and from the outset Walpole and later Carteret were at one in advising the Austrian court to agree with Prussia. In spite of royal ill-will towards Frederick William and Frederick the Great it was becoming recognised in England that a political understanding between Great Britain and Prussia was advisable. Walpole's deep distrust of the house of Austria had been forced to yield before the wave of enthusiasm on behalf of the empress queen, and Carteret became the ready exponent of a policy in consonance with the royal no less than the popular sentiments.

Of Carteret's designs Dr. Ward has much to say of interest, and his lecture on 'Hanover, Austria, and Prussia' is, one might almost say, epoch-making. He shows how, after the conclusion of the Austrian succession war, Walpole's dislike of the Austrian connexion was justified, and traces the steps leading towards the convention of Westminster and the first treaty of Versailles. In his preface he acknowledges his debt to 'Louis XV et le Renversement des Alliances,' by M. Richard Waddington, who has further added to our knowledge of the period by the publication of 'La Guerre de Sept Ans,' *Les Débuts*. Dr. Ward's account of the failure of the Austrian negotiations in 1755, and of the consequent recognition by the English cabinet of the necessity for the Prussian alliance, will prove an invaluable guide to all those who have hitherto found the diplomatic tangle hard to unravel. In this and in other cases where complications appear wellnigh incapable of being unravelled, he gives us a line to follow which always brings us through our difficulties. For example, in speaking of the objects of English diplomacy in 1755, he has no hesitation in asserting that

the security of the electorate was the ultimate purpose which British and Hanoverian statesmanship alike had in view, and for which, in default of an Austrian alliance, an understanding with Prussia now seemed indispensable.

The second treaty of Westminster, as it was called, was the natural outcome of inevitable tendencies recognised by Walpole, but checked in their development by the personal feelings of George I and George II. For the first time the British nation and the Prussian king were

placed side by side, and though George might enter into the compact with reluctance and misgivings, the conclusion of the treaty of Versailles between France and Austria soon led him to realise the wisdom of the Anglo-Prussian treaty. Nevertheless it is not improbable that Louis XV might never have been induced to take the final step had not Frederick's defection roused the French court and French public opinion.

In his concluding pages Dr. Ward gives us some valuable references to the part played by Hanover in the history of Great Britain during the latter part of the last and the early portion of the present century. At the time of the establishment of the Fürstenbund Hanoverian diplomacy co-operated with Prussian, British interests in this case forcing upon Hanover a policy opposed to its traditional sympathy with the house of Austria. From this time, however, the Hanoverian duchy experienced misfortunes, from which the predominant partner in the personal union was unable to save her. Prussia followed its alliance with Austria at Reichenbach in 1790 by the treaty of Bâle with France, and undertook, if necessary, to force Hanover to adopt a neutral attitude. In 1801 the first Prussian occupation took place, and in 1808, on the outbreak of war between England and France, 'the doom of Hanover was sealed.' The Suhlingen capitulation was followed by a period of deep humiliation. The country was occupied by the French, the Hanoverian army was disbanded, the British government was unable to send any help. But under such circumstances the unsoundness of the basis of the personal union became apparent, and after 1815 the two countries 'drifted apart in their political sentiments and aspirations.' The dissolution of the union at the accession of Queen Victoria closed an interesting period in the annals of Great Britain, during which German and English soldiers often fought side by side. ARTHUR HASSALL.

The Daughter of Peter the Great: a History of Russian Diplomacy and of the Russian Court under the Empress Elizabeth Petrovna, 1741-1762.

By R. NISBET BAIN. (London: Archibald Constable & Co. 1899.)

THE author of this seductive volume unites to the advantages of a ready pen and a vigorous manner the still greater advantage of having been able to use freely a considerable number of authorities who are dumb to the large majority of English historical students. But, in all conscience, he exults a little too much in his facilities, and seems to exaggerate the results of his employment of them. He 'will venture to affirm' that not one in a hundred of the students aforesaid has ever heard of Alexius Bestuzhev, and insinuates that not many 'of us know the name of the Russian field marshal who annihilated' the Prussian army at Kunersdorf. Is the personality of the persistent grand chancellor really so unfamiliar to our examination rooms, where, in accordance with Mr. Bain's own subsequent narrative, the chief credit of the rout of Kunersdorf is usually assigned to the *Austrian* commander? The diplomatic history of the empress Elizabeth's reign, which, with an account of her court, forms the subject proper of this volume, is described there as 'a nut hard to crack,' but containing 'a kernel worth the trouble.' Here and there the author has undoubtedly turned to good account information derived from the special sources enumerated in his bibliography (which admits of being

supplemented from that in Bilbassoff's 'Catharine II'); but it cannot be pretended that there is anything very novel, even to less favoured readers, in the general results of his researches. For the rest—to descend abruptly from the very great to the very small—the effect of Mr. Bain's monograph would not be diminished by greater care in details. His style is often slipshod; and such printer's errors as Grossjägersdorf, Petershof, and the duke of *Bayern* for the duke of *Bevern*, jar upon us by the side of spellings of Russian proper names which escape outside control. It is, at all events, a loosely expressed statement that at the time of the death of Charles VI his pragmatic sanction had been acknowledged by 'all the European powers except Bavaria;' since, if the electors are to be considered European powers, there were others besides the Bavarian who had not given in their adhesion to the settlement.

Mr. Bain effectively tells the story of the 'midnight *coup d'état*,' into which Elizabeth was driven by apprehensions that had nerved her indolent and voluptuous nature for action, and made a heroine of her at the critical moment. Here he supplies a useful comparison of authorities; but though he is no doubt correct in reducing the part played by La Chetardie in these transactions to much smaller proportions than those to which the vainglorious ambassador laid claim, he shows that there was an understanding between the marquis and Lestocq, whose direct share in the enterprise itself is clearly established. In later chapters, making use respectively of the collections of the Imperial Russian Historical Society and of the Vorontsov archives, and in both cases also referring to Solovev's voluminous 'History,' Mr. Bain furnishes an interesting account of the circumstances that led to La Chetardie's first recall and to his final expulsion. The blunder of sending him back to St. Petersburg, where he had wasted his extraordinary influence and provoked deadly detestation, at a time when Bestuzhev's struggle with the influence of Prussia was at its height, and when everything depended on its issue for France and her allies, shows the incipient paralysis of French statesmanship. Some light is thrown on these later despatches by the despatches of Sir Cyril Wych, who in 1742 had superseded at St. Petersburg Mr. Finch, the irreconcilable opponent of the new *régime* established on Ostermann's downfall.

The duel between Bestuzhev and Frederick II was fought in the face of the world, and without any attempt at concealment on the part of either of the combatants. No attempt can be made on the present occasion to discuss the great problem of Russian foreign policy, of which Bestuzhev, from first to last, was prepared with so consistent a solution. His 'system'—that of a cordial alliance with the maritime powers, as well as with Austria and Saxony-Poland—seemed to have been crowned by the Anglo-Russian convention of 1755-6; but, as Mr. Bain truly observes, it was not worth the paper on which it was written. The treaty of Westminster drove the bottom out of Bestuzhev's system, and its collapse preceded that of his own tenure of power. He had no share in such laurels as the seven years' war brought to Russia—unless it were in the victory of Apraksin, whose subsequent retreat the chancellor was maliciously reported to have prompted. And if the view taken by Mr. Bain were correct—which I, for one, am

not prepared to affirm—that Elizabeth's action, as a whole, 'practically rendered Prussia, Russia's most dangerous neighbour, harmless to her during the remainder of the century,' the credit of this result would only partially fall to the original adviser of this course of policy. The attitude consistently maintained during this reign, as before and after it, towards Sweden and Poland was in complete adherence to the traditions bequeathed to the daughter of Peter the Great by her father. Of her domestic administration it formed no part of Mr. Bain's plan to treat. 'Under her beneficent sceptre,' he says, 'Russia may be said to have possessed herself again;' and a sentiment will probably always continue to be cherished in Russia that looks back upon her reign as upon a golden age of native self-government. The annals of her court, on the other hand, which unfortunately could not be overlooked in the construction of a narrative such as might test the value of this sentiment, are sketched in this volume with a vividness which gives few points to M. Waliszewski himself. Unluckily there was in Elizabeth no trace of the genius which in the case of Catherine II supplies the only savour which makes it possible to sit out the banquet.

A. W. WARD.

Die Notabelnversammlung von 1787. VON ADALBERT WAHL, Dr. phil.
(Freiburg: Mohr. 1899.)

THIS is a careful and very interesting monograph. Dr. Wahl begins by pointing out that the persistent ill-will and opposition of the lawyers rendered nugatory all reforms attempted under Louis XV, such as the abolition of the restrictions on the corn trade. The first and most fatal error of the reign of Louis XVI was, in his opinion, the re-establishment of the parliaments. They were the inveterate and fatal enemies of Turgot. Necker vainly sought to disarm their hostility. They quarrelled with Calonne, refused to sanction any new loans, and did their utmost to destroy the credit of the treasury. In 1786 all financial expedients were exhausted. A loan had become absolutely necessary to meet the immediate expenses of the country, and reforms were not less imperatively needed to stave off future ruin. The question which Calonne then had to face was how to overcome the certain and unscrupulous resistance of the parliaments. It was dangerous to strain to the utmost the already discredited authority of the crown. Most of the measures proposed were demanded or would be approved of by public opinion. But how could public opinion be used to overcome the resistance of the lawyers? Certainly by summoning the states-general; but this was too hazardous an expedient. Mirabeau or some other adviser suggested to the minister that an assembly of notables might be made the mouthpiece of the popular feeling. They could be carefully chosen, representative men, favourable to reform, yet not hostile to the administration.

Dr. Wahl next analyses Calonne's for the most part highly commendable scheme of reforms, and points out how closely it agreed with physiocratic principles. He remarks with truth that these measures would have secured for France no small part of the benefits she subsequently bought at so enormous a cost. He agrees with Taine that all but an insignificant minority of the French nobility were prepared to surrender their fiscal immunities; but he recognises more fully than the French historian their

determination to defend their position as a privileged order. Dr. Wahl entirely rejects the charge commonly made against the notables on very insufficient grounds, that by embarrassing the government in other ways they sought indirectly to prevent reforms which they dared not openly resist. They distrusted Calonne's account of the finances, because it differed from that of Necker, whose infallibility was a dogma of the liberal creed. Till a full and clear statement of the national income and expenditure, and of all the liabilities of the government, was laid before them they would not allow that the necessity for the imposition of new taxes had been proved. Further, they proposed amendments; they objected to some details; they demanded investigation on some points. All this meant delay, and the necessities of the government were immediate and imperative, and all criticism gave the parliament an excuse for future obstruction. Nothing but the hearty and immediate approval of his measures by the notables could enable Calonne to force them on the parliament; and since such approval was refused he had failed. It was in vain that Louis XVI sacrificed Calonne and chose his successor from among the opposition in the assembly. Brienne accepted the proposed alterations in the constitution of the local councils, promised a yearly budget and economies of forty instead of twenty millions; but the notables had also asked that the finances should be placed under the control of a committee, five members of which should be unofficial and represent the three estates. To this the king would not assent, nor in his final answer did he confirm the hope held out by Brienne of a yearly budget, the one security, as was commonly believed, against official profusion and dishonesty. Dr. Wahl thinks that it was owing to their disappointment at this answer that the notables declared themselves not to be a representative body, and therefore incompetent to sanction or impose additional taxation, of the absolute necessity of which, moreover, they professed themselves to be as yet unconvinced. The assembly, by thus supplying the parliament with a pretext for continued opposition, entirely disappointed the hopes in which it had been summoned. In short, it blessed where it had been expected to curse.

Dr. Wahl believes that justice has not generally been done to Calonne. Most of the charges brought against him are, he contends, exaggerated or ill substantiated. This may be true, but if Calonne was convinced of the necessity of the reforms which he proposed at the eleventh hour what shall we say of the unprincipled statesmanship which only attempted to pursue the right course when every other alternative was impossible?

The untrustworthiness of memoirs, the tendency of contemporaries to attribute everything to personal motives, to exaggerate the influence of individuals, is rightly insisted on by Dr. Wahl: but he does not, on the other hand, appear sufficiently to remember that preambles express rather the ostensible than the real motives of the measures they introduce, and that from the records of debates we learn not the true grounds and objects of men's actions but the arguments by which they sought to win the approval or meet the objections of their audience or their contemporaries. We may be disposed to differ from Dr. Wahl on these and a few other points: *e.g.* there was, perhaps, more community of interest than he is disposed to admit between the lawyers and the privileged orders; for it could be shown that a considerable number of the former were possessed

of fiefs, and many members of families of the long robe held bishoprics and other lucrative and dignified benefices. But these are matters of detail and in no way affect the soundness of his general conclusions.

P. F. WILLEBT.

Les Campagnes des Armées Françaises de 1792 à 1815.

Par CAMILLE VALLAUX. (Paris: Alcan. 1899.)

THIS is a serviceable little handbook, giving concise and businesslike summaries of the chief campaigns. To accomplish this in 860 pages is a difficult task which demands a nice sense of proportion; and in this respect I think M. Vallaux's judgment has been sometimes at fault. For instance, he gives twenty-three pages to the raising of the revolutionary forces and their combats at Valmy and Jemmapes, but only fourteen pages to the campaign of 1815: the whole of the Peninsular war is dashed off in twenty-two pages, while as many as seven are given to the not very interesting battle of Wagram. And it would have been advisable to omit altogether the civil strifes at Lyons and Toulon, and in La Vendée. They can scarcely rank as campaigns, however much the last war was a 'war of giants.' M. Vallaux's tone as to the origin of the wars is studiously moderate. He frankly recognises that the Girondins flung down the gauntlet to central Europe in 1792, and that the Jacobins did the same to us in the following year. As is natural, where so large a space is covered, there are several little defects in detail. Though the Italian campaigns of 1796 and 1797 are accurately described, it is a strange exaggeration to say that (p. 170) at the Trebbia in 1799 the French were 'not beaten, but only checked.' In 1805 Mack never had 80,000 men under his orders in Bavaria. The best authorities give the French losses at Eylau as nearly, if not quite, equal to the Russian losses. M. Vallaux puts them at less by 10,000. Neither does he explain the movements of Davout, which induced Bennigsen to give up his strong position at Heilsberg and undertake that fatal march on Königsberg *via* Friedland. It is unlikely that the Russian losses at Friedland were ultimately as high as 20,000, for crowds of stragglers joined the colours at Tilsit. But M. Vallaux retains the traditional numbers. In the very curt treatment of the Peninsular war exception might be taken to many statements—*e.g.* that Wellesley was some time 'in disgrace' for having accorded the terms of Cintra, or that he was created *Duke* of Wellington after Talavera, or that pitched battles had not much effect on the campaigns. Salamanca and still more Vittoria were as decisive as almost any battles of the period; and the latter of these calls for a full description. Again, in the account of the Russian campaign of 1812 the efforts of Napoleon to catch Bagration's force by a convergence of Davout and Jerome can hardly be understood if we accept our author's statement that the Russian force was *entre Bobruisk et Minsk*. Bagration was much further forward, being, indeed, in front of the marshes of the Pripet. In the very brief account of Waterloo the capture of La Haie-Sainte is placed as late as 6 P.M., without any notice of the evidence which attributes to the French at least a partial lodgment before that time; and the final *débâcle* of the French is even described as beginning *before* the charge of the Old Guard.

J. HOLLAND ROSE.

Die Kolonialpolitik Napoleons I. Von Dr. GUSTAV ROLOFF.
(München und Leipzig: Oldenbourg. 1899.)

THE perusal of Vandal's 'Napoléon et Alexandre I,' exhibiting, as it does, Napoleon's desire to control the Mediterranean in 1808, awoke in the breast of Dr. Roloff the desire to explore all the other phases of Napoleon's maritime and colonial policy. The result is a very handy and compact monograph, which is based upon a considerable amount of independent and praiseworthy research. Dr. Roloff has read the numerous reports of the ministers of marine to Napoleon in the Archives Nationales, as well as the correspondence between the ministers of marine and the different colonial officials between 1800 and 1810 in the Archives des Affaires Coloniales. He has also worked at the archives of the ministry of marine. In an appendix he prints for the first time the full text of the secret instructions given by Napoleon to Leclerc, who, as is well known, was sent out to reduce St. Domingo immediately after the conclusion of the peace of Amiens. Fragments of these instructions are indeed cited in Lacroix's 'Mémoires pour servir à l'Histoire de la Révolution de Saint-Domingue,' but it is probable that Lacroix never saw with his own eyes more than was communicated to General Boudet, and until the complete text was published it was impossible to form an exact idea of their contents. Two letters of Napoleon are also printed for the first time in the appendix, bearing the dates 28 May 1808 and 13 July 1808.

Enough has been said to indicate the fact that Dr. Roloff's work is a very solid contribution to history. The arrangement is clear and good, and although there is no attempt at lively or picturesque writing the book is readable enough. The main points which Dr. Roloff wishes to emphasise are that Napoleon never neglected the colonies, that he had no intention to break the peace of Amiens, and that the ultimate failure of his colonial policy was due not to his own mistakes nor to the mistakes of his ministers, generals, or officials, but simply to the weakness of the French navy, which, owing to the continuance of the war with England, was never able to recover from the demoralisation produced by the Revolution.¹ The unfortunate Leclerc is defended from the attacks which were freely made against him. He could not have acted otherwise against the blacks; the deficiencies of the commissariat were no fault of his, and from the first he was handicapped by the sudden death of several of his lieutenants. As for Napoleon's remark that Leclerc failed because he did not understand how to win over the mulattoes, and that he had been expressly instructed to divide the mulattoes from the blacks, and with their aid to conquer the island, it is simply refuted by the text of the instructions themselves. Here there is not only no trace of such an order, no sign of any difference between the treatment to be meted out to men of colour and blacks, but it is expressly stated that 'all the principal agents of Toussaint, white and coloured,' shall first be indiscriminately loaded with honours and confirmed in their ranks, and afterwards all deported to France. Further, the number of mulattoes had been greatly diminished by the war between Toussaint and Rigaud, and since they were only influential in the south it is more than doubtful whether, even if

¹ Dr. Roloff does not seem to be acquainted with the great work of Captain Mahan, whose volumes, however, would have been of considerable value to him.

Lacroix had been instructed to act as Napoleon pretends, he would have achieved any larger measure of success. To have recalled Rigaud would have been an act of insanity. He was never the friend of the white man ; he played simply for his own hand, for the independence of his caste, and he was bitterly hated by the blacks. His recall would have rekindled all the old fires of racial war.

If then Leclerc was not to blame, who was ? Napoleon admitted at St. Helena that the St. Domingo expedition was one of the greatest mistakes of his life. And here we are tempted to complain a little of Dr. Roloff. He tells us that the St. Domingo problem had been debated for two years between Napoleon, his minister of marine, and the colonial experts in Paris. A large number of memoirs had been written upon the subject, and these memoirs Dr. Roloff has read. In particular a colonial official of great experience, Colonel Vincent, used every effort to deter Napoleon from an expedition which was bound to result in disaster, and was dismissed to Elba for his pains. Dr. Roloff admits that Toussaint did not wish entirely to break with France ; he admits that Toussaint's children were receiving their education in France, and that Toussaint executed his nephew, General Moyse, for stirring up a rising against the whites. And yet he declines to discuss the general question as to the wisdom of the expedition, and seems disposed to take its necessity and expediency for granted. He seems inclined to believe that if it failed the failure was due to the breach of the peace of Amiens.

Dr. Roloff is of opinion that, despite the note to Otto and Sebastiani's report and the scene with Lord Whitworth, Napoleon wanted peace. At the very time of the note to Otto (23 Oct.) the first bad news was arriving from St. Domingo, and at once Napoleon ordered 9,000 men to be mobilised within the next two months for service in the West Indies, whither they were to proceed in eleven ships of the line. ' Would Napoleon,' asks Dr. Roloff, ' have so disorganised his navy if he had wished to push England into war ? ' Then when, at the end of December 1802, news arrived of Leclerc's death, a still larger expedition was planned—15,000 men to start at once and 15,000 in the autumn. That meant that half a year was to elapse before all the French forces would reach St. Domingo, and General Rochambeau, Leclerc's successor, reported that the island could not be entirely reduced under a year. Hence, argues Dr. Roloff, Napoleon must have desired peace for a year and a half more at least, *i.e.* till the end of 1804. Further peace with England was necessary for the taking over and development of Louisiana. This is, however, not quite convincing. No government can receive bad news from the seat of war with stolid indifference. When evil tidings come a government seeks the earliest opportunity to reassure public opinion by taking steps to repair the disaster. Napoleon's authority rested upon prestige, and he could not afford to let France think that he intended to do nothing to retrieve the situation. So he gave orders, and ambitious orders, to his minister of marine. But may he not at the same time have recollected the warning notes of Colonel Vincent—they recurred to his memory at St. Helena—that French army corps in St. Domingo were only so much food for yellow fever ? Did he really intend to risk another thirty thousand men in that distant island of the plague ? Was

he not in his heart of hearts glad rather than sorry when an opportunity arose of fighting on a more brilliant theatre and of diverting the attention of France from that terrible and harrowing episode? It may have been madness; Dr. Roloff would have thought and acted otherwise: but it may also have been in Napoleon's nature to act as he did.

H. A. L. FISHER.

Mémoires de l'Abbé Baston. Publiées pour la Société d'Histoire Contemporaine. Par M. l'Abbé J. LOTH et M. C. VERGER. Tome III. (Paris: A. Picard. 1899.)

THIS, the final volume of the 'Memoirs of the Abbé Baston,' is in some respects the most interesting. It begins with a year (1803) remarkable in the annals of the church for the most startling exercise of papal authority, the deposition by Pius VII of the French *émigrés* bishops. Our author recognises that the 'metropolitan bishop' had never more strikingly asserted his sovereign power, but he apparently did not see that by so doing he had dealt a death-blow to Gallican principles. Baston tells us that on reflexion he approved of the measure. He commends the conduct of those bishops who resigned when called upon to do so by the pope. He maintains that they did not, by so doing, recognise the papal right to depose them from their sees, but only that further resistance would at that crisis have been injurious to the interests of the church, and *salus ecclesiae summa lex*. He wrote at the time a pamphlet defending the policy of the holy father, and distinguishing between his ordinary and extraordinary power. On this occasion the welfare, even the existence, of the French church was at stake, and it was necessary that the *extraordinary* authority of the sovereign pontiff should be exerted—a futile distinction, since the pope was left sole judge of that necessity. It would be uncharitable to suppose that our author was actuated by interested motives, but after the publication of his tract at Rouen there could be no doubt what his reception would be if, like so many of the emigrant clergy, he took advantage of the understanding between the first consul and the pope to return to France. Nor is it surprising that soon after his arrival at Rouen the new bishop, Cambacérés, offered him a canonry, and shortly afterwards appointed him one of his five vicars-general. Napoleon said that a priest should be 'catholic and pious, but in reason, and neither ultramontane nor bigoted.' Baston almost came up to this ideal, and he showed a quite remarkable common sense and fertility of resource in reconciling the laws of the church with the exigencies of the situation when treating such delicate questions as those connected with uncanonical marriages (see especially p. 51), with the status of the constitutional clergy, and the like.

The papal authority had been a serviceable tool, when it was necessary to get rid of the emigrant bishops—the pensioners, as Napoleon called them, of England. But the weapon, he was well aware, was two-edged, and having served his purpose must be blunted, lest it should be used against him. It was now, therefore, the turn of Gallican principles and of the articles of 1682. When he supported the right of the pope to depose bishops whose only crime was that they were displeasing to the temporal authorities, we may not uncharitably apply to our author his

own remark on the theologians consulted by Napoleon in 1811, and believe that 'his conscience, though incorruptible, was accommodating;' but when he wrote a memorandum for the archbishop of Rouen on the difficulty caused by the refusal of Pius VII to institute the bishops nominated by his persecutor—a composition which Napoleon pronounced more reasonable than anything else he had read on the subject—Bastou was probably quite honest in declaring that he expressed his inmost convictions, doctrines which, had he been bishop, he would have proclaimed on the house-top. The summary which he gives of this document (p. 166) is instructive, for it shows on what arguments Napoleon might rely to obtain, if not the active support, at least the acquiescence of some sincere catholics in his conflict with the papacy.

Bastou received his reward, the bishopric of Séez. His ultramontane editor, the abbé Loth, says, 'We firmly believe that M. Bastou, who was reared in the principles of the Gallican church, was convinced that he might perform episcopal functions at Séez without the slightest scruple,' and regrets that he should afterwards have met with such harsh treatment. Since he had not been canonically instituted he was expelled from his see by the government of the Restoration under circumstances which would have been a more than adequate punishment had he been the mere time-server which he assuredly was not. The memoirs end with the nomination of the author to the bishopric of Séez, but an elaborate apology for his conduct as bishop and indictment of the methods of his opponents is published as an appendix, as well as an interesting description of the condition of the serfs in Westphalia, written during his exile at Coesfeld. It must be added that the editors, though belonging to a different school of theology, appear to have performed their task with honest impartiality.

P. F. WILLEBT.

Napoleon's Invasion of Russia. By HEREFORD B. GEORGE.
(London: T. Fisher Unwin. 1899.)

MR. GEORGE relies chiefly on Chambray, a writer impartial in spirit and possessed of accurate information from both sides, and on Buturlin, the official Russian historian. He rejects the narrative of Marbot as romance, but quotes with approval from Fezensac in reference to Ney's corps. For the political side of the history recourse has been had to Oncken, but the author has added to the value of his work by his own researches among the records of the British and Austrian foreign offices.

At the peace of Amiens Napoleon could have secured for France time to consolidate her new institutions and revive her commerce. The peace of Tilsit contained none of the elements of stability. Napoleon himself declared war to be inevitable as far back as September 1810, on the occasion of the election of Marshal Bernadotte as crown prince of Sweden. That this election might lead ultimately to a Franco-Russian war was equally plain to the tsar. Count Shuvalov was sent to Vienna with a plan for an alliance in case of a fresh war with France; but Austria declined the proposal. The first definite breach in the good understanding between the allies was Napoleon's marriage with Maria Louisa. To this violation of courtesy he added

a year later a violation of international right by annexing the territory of the duke of Oldenburg, the tsar's brother-in-law. The tsar's answer was the ukase of 31 Dec. 1810, imposing duties on certain French goods. 'It was a declaration that the tsar did not mean to obey Napoleon's behests.' Throughout 1811 preparations for war on a gigantic scale were being pushed on by Napoleon. The tsar was resolved to commit no aggressive movement. This defensive attitude necessarily deprived him of allies. Metternich, profoundly distrustful of the Russian chancellor, and doubting both the ability and strength of purpose of the Russian government to resist Napoleon, was determined that Austria should remain quiescent, and thus secure time to regain material strength. The treaty of March 1812 between Napoleon and Austria was a real triumph for Metternich. The restoration of the Illyrian provinces was promised as compensation in the event of the loss of Galicia. By the terms of the treaty 'Austria was not only able to wage war with limited liability, but her attitude was in effect protecting Russia against attack along a very great portion of her frontier.' Two months later the treaty was communicated by the Austrian to the Russian government, and a kind of unwritten understanding arrived at. Prussia, after the Russian rejection of her proposed alliance, found herself compelled to make a treaty with Napoleon, amounting to complete surrender. Though Metternich kept the Prussian government informed of each fresh move, the understanding between the three powers was by no means thorough. Each had plenty of grounds for mistrusting the others.

Heterogeneous as was the Grand Army, it does not seem to have been weakened during the campaign by any lack of zeal (though some writers attribute to this cause the large amount of straggling). This, says the author, was due to the power of discipline and the *vis inertiae*, also to the fact that the corps commanders, except Poniatowski, and a large proportion of the superior officers were genuine Frenchmen. Napoleon, recognising that in this campaign it would be impossible to make war support war, had organised supplies for the army with extreme care. Yet the very scale of these preparations was an impediment to his success. With such vast trains 'it was impossible to get the supplies to the troops, unless they moved too slowly to accomplish anything.' The original scheme contemplated only the occupation of Polish Russia. Napoleon told Metternich at Dresden that he did not intend advancing beyond Smolensk in the first campaign.

The Russian preparations were marred by divided counsels. The intended fortifications, except Riga and Drissa, made but little progress, and the intrenched camp constructed at the latter place was a complete mistake. A similar slowness characterised the conclusion of treaties with Sweden and Turkey, by which the flanks were to be protected. Yet this slowness really proved advantageous to the tsar, as the troops thereby set free proved far more effective when operating on the French line of retreat than if they had been concentrated for the defence of Moscow. For purely military reasons the Russians should have made the Dwina and Dnieper their first line of defence; and events proved that they would have been well advised to do so, as from a variety of causes Lithuania

rendered Napoleon little real assistance. But political reasons forbade the abandonment of the Polish provinces without a blow; and if they were to be held Vilna, the capital of Lithuania, was bound to become the headquarters of the principal Russian army. Buturlin gives the strength of the armies charged with the defence of Russia at the beginning of the war as about 250,000. The tsar had certainly expected to be able to put more men into the field: with so great an inferiority of force the Russians were bound to retreat before the French advance.

Napoleon had divided his main force into two portions. With the smaller half, under Jerome, he contemplated crushing Bagration's army. Expecting that that general would not retreat immediately, he kept back for some days after his own passage of the Niemen Jerome's army and also Eugene's corps. But Bagration received orders to retreat simultaneously with Barclay, and, aided by the dilatory movements of Jerome, would have effected his retreat without difficulty, had not contradictory orders nearly led to his being overwhelmed by Davout and Jerome. The object of Napoleon's three weeks' stay at Vilna was to bring up his supplies from Königsberg. Five days' heavy rain had already disorganised his commissariat trains. It was this halt which saved the Russians at Drissa from destruction. Barclay, as soon as the tsar's departure from the camp left him in real command, abandoned Drissa and retreated by way of Vitebsk on Smolensk, where the two armies were concentrated on 3 Aug. At this point ends the first period of the campaign. During those six weeks the balance was shifting to the side of the Russians, whose losses during that period were little more than one-third of those of the French. Napoleon was forced to make another long halt at Vitebsk, and to weaken his main army by sending the 6th corps to the aid of Oudinot on the left wing, and definitely leaving the 7th with the Austrians on the right to force back the third Russian army.

In the fighting round Smolensk Napoleon did not show to advantage. The movement by which he transferred the troops under his immediate command across the Dnieper and effected a junction with Davout is condemned by Clausewitz. Compared with the necessity of bringing Barclay to a decisive action, the occupation of Smolensk was of but secondary importance. Having reached Smolensk, in the belief that the enemy meant to offer battle under its walls, he ordered a direct infantry attack, which cost him between 12,000 and 15,000 men, when a cannonade would have been sufficient to force the evacuation of the town. Mr. George points out that this mistake was a bad one, as he must have known that a large Russian force was moving eastward. His proper course would have been to throw his right wing across the Dnieper, and thus threaten the Russian retreat to Moscow. Barclay's defective conduct of the retreat gave Napoleon another chance at Lubino. Had he made the most of the opportunity, says Mr. George,

he could certainly have destroyed Tuckhov's command, perhaps the whole of Barclay's right column. . . . At the best Barclay could only have retreated northwards with the scattered fragments of his force. Napoleon could have reached Moscow without the slaughter of Borodino.

How totally he misconceived the situation is shown by his not visiting the scene of action at all during the day, and by his sending only one

division to Ney's help, without ordering Junot, who was crossing the river, to push into action on the Russian left.

Napoleon's advance on Moscow finds favour with Mr. George. With the Cossacks molesting his communications, 'to stay at Smolensk would be almost as difficult as to advance. The boldest course was also the safest—in fact, was his only chance of success.' He adds, however: 'That so desperate a venture should have become necessary after an advance hitherto only delayed by the enemy is the best proof that the whole scheme of invasion was too unwieldy to work.' Lord Wolseley holds it to have been a fatal error to advance beyond Smolensk. With communications already disturbed, to undertake a further march of 250 miles seems reckless indeed. In the battle of Borodino Napoleon's tactics were but those of the average general. Mr. George dismisses the story of his physical and mental prostration on that day as a myth. Napoleon's anxiety to bring on a pitched battle deterred him from making a vigorous attempt to turn the Russian left, and the battle was practically left to fight itself. At the critical moment he refused to put in the Guard. Mr. George approves of this resolution, but his reasons seem hardly conclusive. If a pitched battle was of such vital importance to Napoleon that he deliberately preferred to assault the Russian position instead of manœuvring them out of it, it behoved him to spare no effort to make that battle decisive. Throughout the campaign he made the mistake of treasuring up his Guard, with the result that it never fought at all. According to Lord Wolseley 'Ney only required prompt and efficient support to have made Borodino a great and most probably a decisive victory.' The actual result of Borodino is summed up by Mr. George: 'Napoleon could not attempt any further offensive measures when his occupation of Moscow led to no overtures for peace.'

Mr. George is inclined to hold that the burning of Moscow was due to accident. Rostopchin's denial of the deed some years later balances his avowal of it at the time. In any case 'its consequences have been greatly exaggerated.' As Lord Wolseley says, 'he could have effected his retreat without difficulty up to September 21, or even a few days later.' But the determination to quit Moscow was not arrived at definitely till October 14. The actual movement was precipitated by Murat's defeat at Vinkovo.

The battle of Maloyaroslavetz was the second most critical point in Napoleon's campaign. 'It put an end to all chance of his retreat being effected with any show of success.' 'This day converted failure into destruction.' The failure was due in part to the difficulties of the ground, but in the first instance to Napoleon's over-confidence in the stupidity of his foes. There was no reason why Maloyaroslavetz and its environs should not have been occupied at a considerably earlier hour than nightfall of the 23rd, and with a much larger force than two battalions. In that case the Russian attack, if made at all, would have been overwhelmed, as their artillery could not have taken up the commanding position which they occupied on the actual field of battle. Yet, in spite of failure, the experience of Eylau was nearly repeated. Kutusov was on the point of retreating to Kaluga. 'Had the emperor made one more demonstration, had he even held his ground one more day, he would have attained

the object he had in view in facing Kutusov at all, that of returning through a fertile and inhabited country.' Had Kutusov pressed the retreating army with ordinary energy, not a soldier of all who entered Moscow would have escaped. But his policy was apparently to avoid forcing Napoleon to extremities. Else he could have crushed four corps, constituting the greater part of the army, at Viasma, and have destroyed at Krasnoe the Guard and Napoleon himself. Victor's corps had been called across the Niemen and ordered to act as a central reserve, ready to support right, left, or centre as circumstances might require. He very soon found himself definitely committed to the support of the right wing. Thus the road to Minsk lay open to Chickagov, when he brought the army of the Danube to reinforce the third army. To Oudinot and not to Napoleon belongs the credit of selecting Studianka as the place where the Beresina could be bridged. Throughout the retreat the figure of Marshal Ney stands out pre-eminent. His retreat by the right bank of the Dnieper, when cut off from Krasnoe, 'was the most brilliant thing in the whole campaign.' 'The halo of glory which has always hung over the army that followed Napoleon back from Moscow ought really to be concentrated on the head of Ney.'

The true cause of the failure of the Grand Army is to be found in Napoleon's complete inability to comprehend facts as they really were. Mr. George points out that this fatal state of mind first displayed itself in his blind optimism about the Spanish war, and was later largely the cause of his failure in the Waterloo campaign. It was not till he reached Smolensk on the return march, where a succession of bad news awaited him, that he realised his position. In his 29th bulletin, conveying the official news of the disaster to Paris, Napoleon attributed the whole misfortune to the cold killing the horses. It is true that no branch of the army suffered so severely as the cavalry. For this Murat was largely to blame: 'he thought of nothing but the day of battle, took no care for their subsistence, exhausted them by useless movements.' Mr. George has made it abundantly plain that the cold had nothing to do with the failure of the invasion. It accelerated the work of destruction, but before the first snowflake fell Napoleon was hopelessly beaten. The author sums up, 'The invasion of Russia could only succeed if it never took place—in other words, if the threatening attitude of an army in overwhelming numbers caused Russia to give way.' Napoleon can hardly be blamed for failing to grasp the extraordinary change which had come over the tsar's character since 1807; but he should have found out his error sooner. The figures representing at different stages of the campaign the strength of the Grand Army furnish the best proof how impossible it was to support so vast a force in Russia. Perhaps Napoleon might have got more assistance from Lithuania if he had openly declared for a Polish kingdom. Of over 300,000 who crossed the Niemen for the advance on Smolensk less than 194,000 reached the neighbourhood of that city. At Borodino the numbers had shrunk to 115,000 (125,000, the figure given on p. 193, is apparently a slip). After leaving Moscow the fighting force diminished with extraordinary rapidity. The passage of the Beresina reduced it from 31,000 to 9,000. After Vilna it was only 4,300. A remarkably large proportion of the officers

had survived ; and Napoleon was enabled the following year to refill the ranks of the infantry with conscripts. But ' the artillery (which had been out of all proportion to the other branches of the service) and cavalry had entirely disappeared, and it was simply impossible to replace 200,000 trained horses.' To his weakness in these arms Napoleon largely owed his defeat in the following year.

W. B. Wood.

A History of Italian Unity ; being a Political History of Italy from 1814 to 1871. By BOLTON KING, M.A. (London : J. Nisbet & Co. 1899.)

ON the unification of Italy several new books have been published, two of which were lately noticed in this Review (xiv. 586). Mr. Bolton King has now given us, as the result of ten years' study, a history of the same movement on a larger scale. After a careful perusal of his two volumes we can testify to the extent of his research and to his evident desire to deal fairly with his subject. It used to be too much the fashion to regard the *risorgimento* from one aspect alone. Writers, basing their accounts on the versions of Italian patriots only, were apt to describe all the acts of the Italian leaders as admirable, while the Austrians and the Bourbons could do nothing right. But this view of the national struggle has now been much modified even in Italy, where the *risorgimento* is no longer considered as an unqualified success. It is much to Mr. King's credit that, though he has 'not attempted to conceal' his sympathies, which are obviously with liberalism and nationalism, he does not hesitate to point out that the nationalist heroes were often very human and their enemies by no means the monsters that they have sometimes been represented. He confesses that 'Neapolitan and Roman and Piedmontese might well envy the institutions under which the inhabitants of Lombardy and Venetia lived ;' that in the Austrian provinces 'there was a regularity and robustness of administration, an equality before the law, a social freedom, which, except in Tuscany and Parma, was without its parallel in Italy ;' that 'in local government they were the only states of Italy which enjoyed an effective system ;' that 'the peasants welcomed the Austrian civil code ;' that 'in church affairs the Austrian government was the most progressive in Italy ;' that 'in education Lombardy was . . . perhaps abreast of any European country of the time ;' and that 'the censorship was perhaps the lightest in Italy.' He shows how in 1849 the Tuscan peasants welcomed the Austrians (Settembrini says the same thing about the Milanese populace in 1848) ; how in 1858 'the nationalists and Cavour were becoming seriously anxious lest Lombardy should become half reconciled to the alien ;' how, after the liberation, 'the burdens on the land had increased ;' how even in Naples 'often the only sincere liberals were the artisans of the towns'—a fact well brought out in that remarkable book 'Stories of Naples and the *Camorra*'—and how the cry of disillusionment rose from the south : 'They promised us that Victor Emmanuel would make us all rich, and we are as poor as ever.' In the Romagna, on the other hand, the peasants would rather have been Austrian, or even Turkish, than papal subjects. Nor does Mr. King, fully versed in the diplomacy of the period, hesitate to point out the shufflings and evasions, the tortuous manœuvres and

the ingenious excuses, which were employed as means to their patriotic end by statesmen personally so pure as Cavour and his followers. Enough has been said to prove that the author is not one-sided, though he is less pessimistic than some students of modern Italy. Clerical partisans may think him severe to the political side of the papacy, but it is hard for any one to be a good Italian patriot and also a *papalino*.

Among the men of the *risorgimento* his favourite is evidently Ricasoli, whose services have not been sufficiently appreciated. He is justly critical of Garibaldi's political incapacity, while conscious of his power as a popular hero; he points out Mazzini's failure as a man of action and his value, in the early stages, as a moral force; his characters of Antonelli, of Victor Emmanuel, and Manin are among the best sketches in the book. Of Signor Crispi and the marchese Visconti-Venosta, the two chief survivors of this period, he seems to be strangely unappreciative. The high reputation of the latter in Italy is well known, and the former, though not by any means immaculate, is surely among the first of European statesmen. Mr. King's version of Signor Crispi's management of Sicily in 1860 is accordingly different from Mr. Stillman's, nor does he agree with the American writer in thinking Garibaldi and his political adviser right in 'trying to postpone' the annexation of the island. Yet the Sicilian statesman knew his countrymen better than Cavour did, and it would probably have been wiser to give the south of Italy, so different in every way from the north, a separate government for a time. As Mr. King says, it was well that Naples declined to lead the national movement in 1821 and 1830, which would then have taken its tone from the south, even now an element of disorder in the body politic.

On the question of Franco-Italian relations few will hesitate to endorse his condemnation of the Roman expedition of 1849; but was Napoleon's programme of nationality 'great and wise'? Was it not, from the French point of view, an error to allow the creation of a United Italy, which would, as Bastide foresaw and Manin advised, after her liberation become the ally of Austria? Besides, Mentana and the checkmate of Menabrea's designs in Tunis by the French occupation have wiped out any gratitude, if there be such a thing in politics, for Magenta; while, though the Savoyard deputies were anti-Italian, the cession of Nice was certainly a blow bitterly resented in Italy at the time.

One or two small mistakes may be pointed out. 'Verona' (i. 252, l. 12) should be 'Vicenza'; 'Jellaŕich' (i. 249) is an obvious misprint; 'crown prince' (ii. 68) is meant for 'prince of Prussia'; 'Ferdinand's son' (ii. 108) seems a slip for 'Ferdinand, Leopold's son'; 'la' should be 'le' (ii. 302, n. 2). With regard to the assassin of Rossi, there is no mention of the view that he was a son of Ciceruacchio. We could have wished more detail about Garibaldi's flight to San Marino, which finds no place in Mr. King's maps, and a longer account of the *dieci giornate di Brescia*, both interesting events, for which there are ample materials. But, though he disclaims any intention of going into social matters, he has given us a valuable chapter on the condition of the people in the early sixties, and pays attention to railway development and finance.

The bibliography is full, and the author has consulted 'nearly 900 works.' Judging from the way in which the advanced journals of Milan distorted the riots of 1898, we do not think that he has lost much in

having abstained from studying the Italian press of the Revolution, while every student of foreign politics will agree with him that Foreign Office publications, whether blue, yellow, green, white, or red, are usually only intended to throw dust in the eyes of the public. W. MILLER.

The Life of Charles Carroll of Carrollton. By KATE MASON ROWLAND.
(New York and London: S. P. Putnam's Sons. 1898.)

SOME years ago I reviewed in this Review a life of George Mason, of Virginia, by the author of the book now under notice. The existence of men like Carroll and Mason was one of the most conspicuous features of the struggle in the war of independence, and one of the most needful conditions of success. Nothing is more noteworthy than the number of men, thoughtful, well trained, and public-spirited, whom the southern States sent forth to play their part not only in the war itself, but, what was fully as important, in the great constitutional struggle that followed it. The merits and shortcomings of the present book are what might be expected by readers of Mrs. Rowland's earlier work. It is clear and intelligent, eminently unaffected. It is diffuse, and there is at times an inability to bring into prominence the more conspicuous and typical incidents. There is, especially in the earlier part, hardly the same power of bringing out the character and position of the hero adequately. There is more that is lifelike, more of interest and sympathy in the latter part of the book, in the picture of Carroll's green old age, till the day when his position as the last survivor among those who signed the Declaration of Independence gave a certain crowning dignity to a life always useful, honourable, and harmonious, hardly great.

There is a certain resemblance between the two subjects of Mrs. Rowland's biographies, alike in character and in situation. Both were planters, Mason in Virginia, Carroll in Maryland, succeeding by inheritance to an assured position and estate. Carroll belonged to an Irish Roman catholic family, and he helps to illustrate the way in which widely varied elements—New England presbyterians, episcopalians from Virginia, Ulstermen, and Huguenots—all contributed something characteristic and essential to the composition of the new-born nation. Carroll, like Mason, like indeed not a few of the most valuable men in the American revolution, was one whose temper and habit of mind always prevented him from being wholly absorbed in politics, and would probably in quieter times have confined him to the tasks of criticism and occasional intervention. The times, however, in which Carroll's lot was cast did not suffer that. The biographer describes the position in which Carroll found himself when the first murmurings of the revolutionary storm were heard.

He came home at twenty-seven an amiable, upright, accomplished young man, with the polish of European society and the solid acquirements of studious culture. Debarred by his religion from the attainment of political honours, he anticipated only in the present the wants of social life among friends and kindred in the affluent ease of his class, the slave-holding and manorial aristocracy of colonial Maryland. . . . But already America had entered into the penumbra of the political eclipse from which the colonies were to emerge as sovereign states in 1776.

The first political contest in which Carroll figured as a combatant was

one of those by-issues of which so many arose to embitter and widen the main quarrel between the British government and the American colonies. A dispute arose in Maryland as to the right of the governor to fix the fees of officials, these fees being paid by the colonists. It is probable that but for the suspicion and soreness begotten by the Stamp Act this claim would have gone unnoticed. As it was, opposition was at once excited and expressed. The government found a champion of repute in Daniel Dulany. He had been one of the foremost opponents of the Stamp Act. Some of the most effective points in the speech in which Pitt advocated the repeal of the act were borrowed from a pamphlet of Dulany's, and the leader of the patriotic party in Massachusetts had sought his help in drafting a manifesto on the subject. Now, however, Dulany was on the side of the British government. Such an apparent change of front, even though it may denote no real inconsistency, always weakens an advocate's position. The form of the contest was somewhat peculiar. Dulany published in the *Maryland Gazette* imaginary dialogues between an advocate of Great Britain and a patriot. The patriot was a mere man of straw, put up to be knocked down. Carroll intervened by rehabilitating the patriot and making him the mouthpiece of his own views. Mrs. Rowland gives a summarised description of the conflict, in which she is in nowise led astray by the enthusiasm of a biographer.

The letters of Carroll and Dulany, dealing somewhat too much in invective and abnormally in personalities, many of which are unintelligible to the modern reader; bristling with classical quotations and freighted heavily with the lore of the law pedant; their arguments sustained by laborious precedent and learned maxims, are now little read, though they remain worthy memorials of the eminent men who penned them (i. 110).

The governor repealed the proclamation by which the fees were imposed. Carroll's writings may or may not have contributed to that result. But at all events he had the advantage of appearing as an advocate on the popular and successful side. He also showed that power of easy and concise expression which was to be his special gift, and which rather than originality of thought or administrative capacity made him of value to the popular party.

When the revolutionary congress met at Philadelphia in 1774 Carroll went as an onlooker. That critical observer John Adams, no great lover of southerners or papists, described him on first introduction as 'a very sensible man,' and on further acquaintance as 'a warm, a firm, a zealous supporter of the rights of America, in whose cause he has hazarded his all.' Though Carroll was not a member of the congress, his presence at Philadelphia determined his entry into public life. He was chosen as a civil commissioner to accompany the force which, under Arnold and Montgomery, was about to invade Canada. Carroll's religion and his knowledge of French plainly fitted him for this post. To persuade French Canadians that they had any grievances in common with the English colonists, or that they could profitably take part with those who were denouncing the Quebec act as a betrayal of protestantism, was an enterprise which failed as it deserved. The formal report of Carroll and his colleagues to congress is lost, Mrs. Rowland tells us; but many of Carroll's

letters written while on this embassy are given, wholly or in part, by Mrs. Rowland, and his diary is reprinted in full in an appendix.

Carroll's next task of importance was to take part in drawing up the new constitution for the state of Maryland. This has, as Mrs. Rowland points out, a certain historical interest and importance over and above the direct result. The problem of forming two elective chambers is always a difficult one. The clause which solved it in the case of Maryland was suggested by Carroll. In the course which it took that colony stood alone. As an historian (Ramsay) quoted by Mrs. Rowland says, 'two of the above states whose legislature consisted of two branches ordained that the members of both should be elected by the people. This rather made two co-ordinate houses of representatives than a check on a single one by the moderation of a select few. Maryland adopted a singular plan for constituting an independent senate.' That plan, for which I have just said Carroll was responsible—the fact is attested by his own written statement—was the division of the colony into two sets of constituencies, in one case smaller and more numerous, in the other fewer and larger. The former chose the house of representatives directly. The latter chose electors, who in turn nominated a senate of forty, to sit for six years and to fill casual vacancies by co-optation. The arrangement was thought to work well, and it can hardly be doubted that it influenced the framers of the federal constitution in their adoption of a closely similar scheme.

On 4 July 1776 Carroll was elected to congress. Thus in signing the Declaration of Independence he was merely accepting the responsibility of a measure already decided. Carroll was immediately appointed a member of the Board of War. In connexion with this phase of his life Mrs. Rowland prints two interesting letters from Pliarne, a conspicuous figure among the French officers, secured by Deane. The letters illustrate the difficulties and the jealousies inherent in the French alliance, and how they worked in conjunction with those excited by the shallow jealousies which Washington had already awakened among his own countrymen. The tendency of the best men to withdraw from congress, called away by the urgency of affairs in their respective states, was constantly regretted by Washington. Carroll was no exception. In 1779 he resigned his seat in congress. In his own colony he was a staunch opponent of the proposal to confiscate the property of loyalists. That may be taken as foreshadowing the attitude which Carroll was to take when under the new federal constitution parties began to form. Carroll at once found his place among the federalists. Two extracts from his correspondence given by Mrs. Rowland curiously illustrate the exaggerated terror with which even open-minded and thoughtful men reviewed the situation. In 1800 Carroll writes to his son describing how he had taken refuge in a cottage during a storm, and seen the children eating their supper of milk and potatoes.

What do you think were my thoughts during this scene? It occurred to me that in the course of a few years I might be driven into exile by the prevalence of an execrable faction and forced to shelter in as poor a hovel the remnant of a life a considerable part of which had been faithfully devoted to my country's service (ii. 246).

And in the heat of that memorable conflict when the house of representatives had to choose between the two republican candidates Burr and

Jefferson Carroll affirms his preference for the former. 'I hope Burr will be chosen by the house of representatives.'

Burr, I suspect, is not less a hypocrite than Jefferson; but he is a firm, steady man, and possessed, it is said, of great energy and decision. The other poor creature will be afraid of using his constitutional powers in defence of the people, but he may offend those ignorant and suspicious sovereigns. Thus will the powers of the general government—at least the executive part of it—be swamped and gradually usurped by the larger states, and so will terminate the division if Jefferson should continue president for eight years (ii. 249).

An earlier passage from the same letter shows how completely the federal party had drifted away from its old moorings.

The story you relate of Adams is conformable to his character. I have given him up ever since the receipt of Mr. Henry's letters; neither Jefferson or Burr can make so bad a president as Adams had he been re-elected. It is fortunate indeed for this country that he was not.

One more passage in something of the same vein is worth quoting. In September 1806 Carroll writes to his son:

Fox, I find, has made peace with France; the conditions are not yet known, but I have no doubt of their being dishonourable, unsafe, and highly disadvantageous to England. I had begun to entertain a more favourable opinion of the man when the papers announced his determination to prosecute the war till an honourable and safe peace could be obtained. It is, however, I find, impossible for a man tainted with democratic principles to possess an elevated soul and dignified character: in all their actions and in all their schemes and thoughts there is nothing but what is mean and selfish (ii. 267).

Strange words from the pen of one who signed the Declaration of Independence.

J. A. DOYLE.

The papers collected in M. Henri Beaune's *Nouveaux Fragments de Droit et d'Histoire* (Paris: Larose, 1899) range over a wide period of time and choice of subjects. We begin with an essay upon the Indo-Europeans before the dawn of history (or rather upon Ihering's theories respecting them), and we end with an essay on Montalembert. Old Attic and old German law, Provençal manners in the fifteenth century, the financial policy of the Constituent Assembly, and the relations of church and state in modern France are but a few of the topics discussed. Under these circumstances it is not to be expected that M. Beaune should often give us anything absolutely new, while he must be allowed the praise of considerable knowledge and an easy style. As a staunch conservative and catholic he imports into his historical writing a touch of party spirit. Modern France is always present to his thought, and antipathy to the Revolution too often influences his judgment. Provençal manners in the fifteenth century may have been as idyllic as he represents them. The Constituent Assembly certainly committed appalling mistakes in finance. The anti-religious intolerance sometimes shown by French liberals is not the most desirable temper in which to approach the problem of the relation between church and state. But M. Beaune, though he endeavours to be candid, does not inspire complete confidence in his judgment. It must always perplex those who maintain that the people of France were so well off under the old order to explain why that order

broke down into such a terrible chaos. If human wickedness be alleged as the primary cause, the retort is obvious that the church and state had ample time and opportunity to teach the people better. On certain points, no doubt, M. Beaune has the advantage. When it is said that the French *noblesse* was a caste, it is often forgotten how easily a commoner might be ennobled. In urging that petty proprietors were very numerous in France before the Revolution M. Beaune is supported by the authority of Tocqueville. But he goes further and maintains that they were even more numerous at the close of the middle ages, the seventeenth and eighteenth centuries having been a period of concentration during which many small estates were absorbed in large. Among the essays which are at once legal and historical perhaps the most solid is that which treats of the policy adopted by medieval popes towards the study of Roman law.

F. C. M.

Die Staatsverträge des Alterthums, by Rudolf von Scala (erster Theil. Leipzig: Teubner, 1898), is the first instalment of a work which will be a convenient book of reference for students of ancient history. It contains the text, where it is extant, and in all cases the full literary evidence of 218 treaties between independent states, covering the period from 1450 B.C. to 338 B.C. Of these the first seventeen, concluded between the kingdoms of Egypt, Babylon, Assyria, and the princes of Syria and of the Hittites, are given in German translation or abstract, the remainder in the original. Each is accompanied by brief explanatory notes and a full bibliography, with a critical commentary on such variations of reading as affect the sense of the Greek treaties. A second instalment, announced in the preface, is to contain the treaties concluded by Rome down to 375 B.C., together with a number of treaties belonging to the first instalment, which, for various reasons, it would have been inconvenient to place in strict chronological order; a third, the doubtful and disputable treaties; and a fourth the fragments, and an essay on the matter and form of the whole series.

J. L. M.

All scholars will welcome a third edition of Aristotle's *Πολιτεία Ἀθηναίων* by Professor Blass (Leipzig: Teubner, 1898), who had already in his two previous editions done more for the revision of the text than any other editor save Mr. Kenyon. Every page of this, the latest recension, bears witness to the progress that has been made in correcting the text since the first publication of the papyrus in 1891; but nowhere is this progress so marked as in the text of the last six pages of the fourth roll of the papyrus, which has now, by the efforts of numerous scholars, been reduced from a chaos of disjointed fragments to an orderly and intelligible whole: at first, indeed, even the place of this roll in the treatise was open to dispute, several editors imagining that between it and the third roll there was a lacuna of unknown dimensions; but now this dispute has been set finally at rest by Wilcken's discovery of the number A at the top of the page. Among the new features of this edition may be noticed the adoption of Mr. Kenyon's new reading in iv. § 1 of *αὐτῆς* instead of the former *αὐτῆ* or *αὐτοῦ*, an alteration which reconciles Aristotle's statement in the 'Constitution' with the statement in the 'Politics' (ii. 12), *Δράκοντος δὲ νόμοι μὲν εἰσι, πολιτεία δ' ὑπαρχούση τοὺς νόμους ἔθηκεν*: for as thus read the

passage describes not a new constitution of Draco's own making, but the constitution as existing in Draco's time. Again, Dr. Blass substitutes in v. 8 *φιλοπλουτίαν* for Kenyon's *φιλαργυρίαν* or Mayor's *φιλοχρηματίαν*, as more consistent both with the number of letters illegible in the papyrus and with the meaning required by the context. Finally, the editor has now printed at the beginning instead of at the end of the treatise the fragments, recoverable from Heraclides's epitome and other sources, of the lost beginning of Aristotle's work, which for some unknown reason seems to have been inaccessible to the writer of the papyrus. G. E. U.

The Moorish Empire: a Historical Epitome, by Mr. Budgett Meakin (London: Sonnenschein, 1899), is the first volume of a kind of Moorish encyclopædia which the late editor of the *Times of Morocco*, a peculiarly competent authority, is preparing. The other two volumes are to treat of the land and the people respectively; the present volume is restricted to the history. After a brief sketch of the Carthaginian and Roman periods, the annals of Morocco, from the Arab conquest to the present day, are presented in a clear epitome, with marginal dates and subject-headings, and many maps and tables. It is a thoroughly useful and creditable compilation from the best available sources, and no other work can compare with it for the mass or general accuracy of the information on its subject. As far as can be judged from the numerous and most commendable foot references, the author has chiefly used translations of the Arabic authorities, but when these are done by such scholars as Dozy, or, in a less degree, Gayangos, the second-hand method is better than first-hand references by a less experienced student. Mr. Meakin, moreover, has used some little-known modern Arabic historians of Morocco, as may be seen in the ample and excellent bibliography appended to the volume. There are a good many minor errors in transliteration (if we understand the author's peculiar system) and the like. Mr. Meakin should not write *Tárik* for *Tárik*, or 'Abd el Wáhhíd, or state that *maulai* is the singular form of *maulana*, and that *sidná* is for *Seyyidíná*; nor, by the way, should he speak of Bishop Ascher; but these are mere trifles in comparison with the general usefulness of his book. It is not, perhaps, quite the work a trained historical scholar would produce, but it is not therefore to be despised. Evidently it is the result of a vast amount of laborious research, and all students of Moorish history—a very curious and little-known branch, we may add—will be grateful to Mr. Budgett Meakin for placing so much authentic material at their service. The illustrations and the chapters on Christian slavery and on the Sallee Rovers should also make it popular with the general. H.

The first volume of Dr. P. Hume Brown's *History of Scotland*, in the 'Cambridge Historical Series' (Cambridge: University Press, 1899), is an able and judicious piece of work. The task of weaving together into a continuous narrative the sadly imperfect records of early Scottish history is by no means an easy one. In a book of this size it is not practicable to give the grounds upon which the conclusions are founded, but it seems evident that Dr. Brown has submitted the work of his predecessors to a rigorous and critical examination, and has consequently rejected much of

it. The severely critical position is reflected in the sober and uninvigorating style in which the work is written. Dr. Brown seems to eschew carefully the bits of colour that come in his way. The famous remark that 'it came with a lass and it will pass with a lass' is surely preferable to the paraphrase that James V 'exclaimed that the crown had come to his house by a woman and would pass from it by a woman' (p. 396). It is a somewhat strong saying (p. 44) that 'to the Danish and Norman conquests it was due that Scotland did not eventually become the predominating power in the British Islands.' The point most open to criticism is the treatment of the relationships between the English and Scottish crowns. The fact that the entry in the Anglo-Saxon Chronicle in 924 is in a contemporary hand ought to have secured for it some notice, despite the strangely illogical and disingenuous arguments of Mr. Robertson. The 945 entry does not rest upon so good a manuscript basis, but the fact that Malcolm is found 'in active hostility' against the English king in 948 cannot seriously be advanced as proof that no engagements were entered into between them at the earlier date. Dr. Brown passes over in silence 'the Great Commendation' of 978. It is true that the manuscripts of the Chronicle are not contemporary, and therefore there might be something in Mr. Robertson's theory of interpolation, although the manuscripts are too early in date for any adequate reason for such falsification. But here the account of the Chronicle is confirmed by the evidence of a contemporary of the highest personal character.¹ Of errors we have not noticed many. The Frisian Sea, if that is the correct reading in Nennius, cannot have been the Firth of Forth (p. 18), but must have been on the west of England. It is stated somewhat too unreservedly that Edinburgh derives its name from Edwin of Northumbria (p. 19), but, at best, this is nothing but a conclusion from a name that is not recorded for some centuries after his time. 'Nastley, near Pontefract' (p. 70), is Nostell. It was not the 'priory of Cottingham' (p. 382), which did not then exist under that name, but the rich living that Henry VII conferred upon the bishop of Moray.² The scene of the 'White Battle' is Myton, not Mytton (p. 164). At p. 27 it is the northern half of Bernicia, not the whole, that is meant. After Orsi's article³ it should not be stated so definitely (p. 54) that the end of the world was expected in 1000. Dr. Brown adheres to the irritating custom of Scotch historians of referring to Hakon of Norway under the latinised form of 'Haco,' which is on a level with the German practice of calling the lord of Verulam 'Baco.' An explanation of the meaning of 'Toom Tabard' (p. 141) should have been given for the benefit of southern readers. I.

Messrs. Macmillan & Co. have issued John Richard Green's *Conquest of England* in a pleasantly printed form (London, 1899) ranging with their reprints of the *Making of England* and of the *History of the English People* in eight volumes. They have been well advised in leaving the book unrevised, even though the date of Alfred's death is admittedly wrong and some theories, such as that about the 'high reeve' (vol. ii.

¹ ENGLISH HISTORICAL REVIEW, xiii. 505.

² See *Cal. State Papers*, Hen. VIII, vol. i. nos. 4454-5, 5198.

³ *Rivista Storica Italiana*, iv. 1-56.

215, 269), have not found acceptance. The only additions appear to be six references in footnotes to Scandinavian sources, and an increase in the number of the maps; some of the old maps have also been altered. The division into two volumes has the advantage of marking clearly the distinction between the part which Green himself substantially finished and that which was put together and worked up from notes by his widow. The notice to this effect at the end of vol. i. would have been more in place as a preface to vol. ii. In vol. ii. 157 n. the inscription on a coin is misprinted.

J.

Professor John E. Matzke, of the Leland Stanford Junior University, California, has given us the first critical edition of the so-called laws of William the Conqueror (*Lois de Guillaume le Conquérant en français et en latin*. Paris: A. Picard, 1899). It will be sufficient here to note his material conclusions. The Latin text is not original, but a version of the French. Our text is derived from a lost archetype, of which the Holkham manuscript is probably an immediate copy. The earlier editors used manuscripts now lost, which were all derived from the same archetype; the errors of their texts are due more to their own misreading than to misprinting or corruptions in the manuscripts. The linguistic evidence points to a date between 1150 and 1170, but not earlier than about 1150, for the archetype in question. We would suggest that the last years of Stephen's time were not very favourable for antiquarian exercises of this kind, and that, accepting Professor Matzke's expert judgment as to the earliest possible date, we may most plausibly assign the French text to the first years of the reign of Henry II.

F. P.

The Records of Merton Priory, by Major Alfred Heales (London: Frowde, 1898) are almost altogether unsatisfactory. The appendix of documents, printed, not at all accurately, in record type, enables us to test the accuracy of the summaries of them in the book itself; and we are sorry to say that these summaries show that the author was unable to translate his plainest texts. When any difficulty occurs the clause is omitted or wrongly paraphrased. Thus on p. 18 *et amplius numerentur inter essarta* is rendered 'and as amply as possible;'; on p. 16 *adquietabit eum de landgabulo* is understood as a payment 'to Landgabulus;'; on p. 74, owing to the transcript giving *Ricc'ar[um]* instead of *litterarum*, we are told that the case in question was 'settled by papal authority (presumably under a commission),' though *auctoritate litterarum domini pape* is quite free from ambiguity. In p. 5 we read of the bishop of Constance, instead of Coutances. On p. 9 it is suggested that the witness of 'T. chancellor' might refer not to Thomas Becket but to the chancellor of the diocese. On p. 11 a document of 1121, 22 Hen. I, is placed 'between March 25 and Aug. 4,' but in the appendix, p. ix, 'between Aug. 5, 1121, and March 25, 1122:;' obviously Henry I's twenty-second year began on 5 Aug. 1121, but with him the year began not on Lady Day but at Christmas; so that the date is between 5 Aug. and 24 Dec. 1121. On p. 17 a document of Henry II is dated *apud Brugiam in obsidione*, and the editor comments, 'Eyton . . . does not refer to the king having then [1156-1157] visited Bruges [as though Archbishop Theobald, one of the

witnesses, went abroad at that time !], nor to any siege until Nov. 1171 ; but had he looked at Eyton's notices under 1155 (' Court of Henry II,' p. 10) he would have found a document with the same form of dating, which belongs not to Bruges but to Bridgnorth. In p. 18 it is supposed that the king would notify to the sheriff of Hampshire his grant of a part in places which are identified, of course wrongly, in Surrey and Buckinghamshire. We are sorry to say that wherever we have examined the volume, we have observed the same sort of mistakes. It can only be of use to trained scholars who are in a position to correct its innumerable errors ; and to them, at the cost of some labour, it will prove not unacceptable. But the local antiquary must be warned against it.

R. L. P.

M. Marcel Dieulafoy in his essay on *La Bataille de Muret* (Paris: Imprimerie Nationale, 1899) has successfully reconstructed the battle and overthrown the conclusions of M. Delpech. He has collated many chronicles, and, what is more important, tested them by a thorough survey of the ground and by documents which show the relative positions of the castle and the town. He has thus established that the allies occupied the land to the west between the Louge and the Garonne, and therefore that the crusaders could not have debouched or formed up on this ground. Simon de Montfort arranged them in three bodies on the market square within the walls, led them out by a gate in the south-west angle but looking eastwards and hidden from the enemy, edged eastwards between the town and the Garonne, crossed the Louge near its mouth, and reformed while still concealed from view by the lofty castle. Pedro and the Aragonese were drawn up on a plain considerably to the north of the site assigned to the battle by M. Delpech, the exact position being determined by various passages in the authorities. Simon showed great skill in bringing round his cavalry, but when the moment came for a charge there were no elaborate and delicate manœuvres, for heavy medieval men-at-arms could only attack directly in line. The superiority of Simon's men lay in their formation and the compactness of their charge ; the Aragonese were massed without order. Pedro routed and slain, the men of Toulouse, who had been engaged in menacing the western face of the town, were in turn annihilated. The incompetence of the allies, their jealousies and consequent destruction, are clearly described. The fact that they left their flotilla some distance down stream, bringing up their siege train from the boats, and then allowing themselves to be cut off from their naval base, is an additional proof of incompetence in face of a resolute and fanatic enemy whom they outnumbered by more than twenty to one.

J. E. M.

The *Vie de Saint Louis*, by Guillaume de Saint-Pathus, edited by H. François Delaborde (Paris: Picard, 1899), is a recent addition to the ' Collection de Textes pour servir à l'Etude et à l'Enseignement de l'Histoire.' It is to be wished that our own chronicles could be bought as cheaply. A few words may state what is the special result of M. Delaborde's work. He clearly identifies the author, the confessor of Queen Margaret, with Guillaume de Saint-Pathus (or Saint-Patur), and suggests that he may have been the nephew of the G. de S.-Patur.

mentioned in the 'Livre des Métiers.' He shows strong reason for dating the first redaction of the work between 4 Dec. 1302 and 11 Oct. 1303, and for thinking that it was originally written in Latin, and that the extant translation of the first part (the life) is by a different hand from that which translated the second (the miracles). The three manuscripts of the work, all in the Bibliothèque Nationale, have been collated. The irritatingly disjointed method of the author has been neutralised by the editor's very full summary and excellent index. It should be observed that only the first part of the complete work is now printed, M. Delaborde observing that while the 'Miracles' are of interest for students of manners they contain *absolument aucun trait d'histoire générale*. The omission is to be regretted, but what is published is edited with the fullest textual and historical annotation.

W. H. H.

To the same series M. Franz Funck-Brentano has added the *Chronique Artésienne* (1295-1304) and the *Chronique Tournaisienne* (1296-1314) (Paris: A. Picard, 1899). As contemporary records dealing with the wars in Flanders and the battles of Courtray and Mons-en-Pévèle from a French point of view, these works form an invaluable corrective and supplement to the 'Annales Gandenses,' published in the same series. In fact, with these two editions and their notes, which include a reproduction *in extenso* of the 'Chronique Tournaisienne' in the edition under review, the student is put in the way of making a pretty thorough study of the Flemish wars of Philip the Fair from contemporary narrative sources. This edition moreover supplies the first trustworthy text of the chronicle published. That published by De Smet in his 'Corpus Chronicorum Flandriae' (t. iv. pp. 443-586) was taken from a copy made by a pupil of his who was just learning paleography, and published apparently without revision. It naturally contains many errors, and is quite untrustworthy as a text. M. Funck-Brentano has based his text on a careful transcription of the original manuscript in the Royal Library at Brussels, and has had the assistance of local experts, such as M. Félix Brassart, in the identification of the place-names. We have in consequence a text in which it will be difficult for any one to suggest corrections, and a completeness and exactitude in the topographical and other information in the notes which leave little to be desired. The editor has added another valuable aid to the study of the chronicle in the shape of a map, which contains all the places, rivers, &c., mentioned in the text, and, as usual, the book is completed by an index which contains the identification of the place-names. M. Funck-Brentano has not verified all his references in proof. The article by Armand de Herbomez cited (p. xii) as in the 'Bibliothèque de l'Ecole des Chartes,' 1896, p. 720, is in the previous volume (1895). The reference (p. xx) to '*Annales Gandenses*,' p. 3 (instead of p. 22), *troisième ligne*, is equally incorrect.

W. E. R.

The employment of women in industry during medieval times is a subject about which, as yet, little is known, and M. H. Hauser's pamphlet on *Le Travail des Femmes aux XV^e et XVI^e Siècles* (Paris: Giard et Brière, 1897), the value of which must not be measured by its size, is of considerable interest as breaking ground in this direction. The author,

while refraining from definite conclusions as to details, proves that for France, at any rate, the view must be abandoned that the participation of women in industry is a modern phenomenon due to the conditions of the modern capitalist régime. From the 'Livre des Métiers,' drawn up by Etienne Boileau, it is well known that five of the Paris crafts consisted exclusively of women; but it is not so well known that by the close of the thirteenth century this number was already trebled, and that henceforth they took a considerable share in industrial production. M. Hauser, going over the list of artisans drawn up by M. Fagniez from the tax rolls of 1292 and 1300, finds that the number had gone up to fifteen before 1300, and that in about eighty other crafts men and women were employed. For one of these there is evidence that it had come to be limited to women when in 1485 a petition was presented to Charles VIII by the *maistresses-jurées, femmes et filles de la lingerie de Paris*. The petition and the ordinance which followed are well summarised, and throw light on what must have been, in some respects, an exceptional organisation. And outside Paris craftswomen are found, organised separately or in mixed bodies, in important centres like Lyons, Toulouse, Tours, St. Omer. From the evidence before him M. Hauser is unable to make definite statements as to the conditions of women's labour. He considers it probable that equality of the sexes in the mixed crafts was incomplete in matters of government and of remuneration, and that even in those cases where women alone were employed men exercised some control over the government of the craft. Upon these and other points it is to be hoped that M. Hauser will carry his investigations further, and thus add to our scanty knowledge of the medieval craftswoman and her influence upon the medieval labour market in France.

E. A. M'A.

The position which Professor Pastor's *Geschichte der Päpste seit dem Ausgang des Mittelalters* has taken in historical literature is attested by the speedy appearance of a third edition of the third volume, which ranges from the election of Innocent VIII to the death of Julius II (Freiburg: Herder, 1899). It will probably be a permanent position, as representing the ultimate conclusions of moderate, reasonable, and conscientious Roman catholicism, the counterpart of Bishop Creighton's equally impartial work. As we remarked when noticing the first edition, it is impossible for Dr. Pastor to forget either that he is a Roman catholic or that he is a professor; the point of view which he inevitably assumes is not quite the right one, and his story is rather expounded than narrated. The substantial worth of his labours remains unimpeached, and we are not surprised to learn that a careful study of all recent criticisms and all new sources of information has disclosed to him nothing requiring modification in his judgment regarding the most controversial portions of his history, his estimates of Alexander VI and Savonarola. The one department to which he has found it desirable to add largely is the record of the literary and still more of the artistic works indebted to the patronage of the popes of this period. The account of these contributions to culture under Alexander VI has been extended from eleven to twenty-two pages, and of those under Julius II from one hundred and seven to one hundred and thirty-seven. If

continued on the same scale in subsequent volumes, as no doubt will be the case, these chapters will constitute an adequate though condensed history of the literary and artistic activity of the Renaissance popes.

R. G.

We have received from the Yorkshire Archæological Society a further instalment of the Index of Wills in the York Registry (Record Series, vol. xxvi., 1899), running from 1608 to 1611. It is arranged on the same plan as the previous volumes which have been noticed by us from time to time.

K.

In *Carmel in England: a History of the English Mission of the Discalced Carmelites, 1615-1849* (London: Burns & Oates, 1899), Father Zimmerman might be thought to have purposed doing for the Discalced Carmelites what Father Taunton has recently done for the English Black Monks of St. Benedict. Prefaced, however, by the official sanction of the order and the imprimatur of Cardinal Vaughan, dedicated to Cardinal Gotti, and published by Messrs. Burns & Oates, this volume was little likely to emulate Father Taunton's trenchant criticism of some aspects of Roman catholicism. Father Zimmerman says nothing that could offend the susceptibilities of the most sensitive Roman catholic; his object is to edify the faithful by celebrating the piety and sufferings of Carmelite missionaries, and when he approaches the fringe of the arch-priest controversy he breaks off with the remark that the story would have little or no interest for his readers. The records of the Carmelite mission indeed supply materials for very little else than the edification of the faithful: the insistence of Discalced Carmelites upon a life of contemplation militated against individual distinction in worldly affairs, and not one, we think, of the men whose lives are here commemorated made sufficient mark on English history to obtain a place in the 'Dictionary of National Biography.' In a way this is testimony to the value of the book, but it necessarily narrows the circle of readers to whom it will appeal, and renders it difficult to check its accuracy in detail. There was, however, no Thomas Hyde, earl of Clarendon (pp. 120, 145, 896), and 'Harpfeld and Pith' (p. 108) should be Harpsfield and Pits.

A. F. P.

Mr. Justin McCarthy's little handbook entitled *Modern England before the Reform Bill* (London: Fisher Unwin, 1899) covers a period most of which the author has described before and with better effect. In a book of this description one does not look for accuracy so much as readability; but it is surprising to find the state of the world in 1800 described as one of peace, and that Napoleon made overtures to us for 'an honourable and lasting peace,' whereupon the 'war broke out again,' and that that new war was against the 'principles of the French Revolution.' Then we read (p. 29) of 'Pitt's unfortunate and almost servile submission to his master's [George III's] dictatorship' respecting catholic emancipation, and that Prussia gained little in 1815, and (p. 40) that the whole war against Napoleon was 'undertaken avowedly with the object of restoring the principle of legitimate monarchy to its old place in France.' This hashing up of French Anglophobe diatribes and whig

pamphleteering gives the most distorted view of the real events and aims of the allies and of British statesmanship, which was certainly in advance of that of Russia, Austria, and Prussia. The pictures which adorn this volume are also a curious medley, and the whole may be dismissed as utterly unworthy of the author and of the publisher. K.

The *History of South Carolina under the Royal Government, 1719-1776*, by Mr. E. McCrady (New York: Macmillan & Co., 1899), will doubtless supersede past works on the subject. It is remarkably characterised by industry, impartiality, common sense, and enthusiasm. As the subject grows in importance with the opening out of wider political issues, the manner as well as the matter of the book steadily improves. Mr. McCrady has been the first, by the use of a parliamentary report of 1741, 'which has laid mouldering in the archives,' to establish with certainty the responsibility of General Oglethorpe for the failure of the expedition of 1740 against St. Augustine. From Mr. McCrady's lucid pages certain conclusions are made abundantly clear—first, that whereas in the northern colonies the Navigation Acts, far more than the Stamp Act, were at the bottom of colonial disaffection, in South Carolina the Navigation Acts were no bar to material development, so that the merchants were peculiarly the loyal class of the community; secondly, that the jobbery and misdirected interference of the home authorities were always tending to set on edge the tempers of the colonists; but that, thirdly, in spite of all grievances, it required the brutal methods by which the war was ultimately carried on in South Carolina by the British troops finally to convert the people to the cause of independence. As late as 1774

the people of South Carolina were generally willing to resist, and if necessary to fight, as the barons had for Magna Carta, and as the parliamentarians had against the Stuarts; but it was to be a struggle within the kingdom, such a struggle as that in which Pitt and the Whig lords could lead them. . . . They abhorred the very idea of separation.

Mr. McCrady's freedom from the idols of the market-place may be measured by the vigorous manner in which he criticises, both on grounds of right and of expediency, the non-importation agreement. There is an apparent slip on p. 555. The Stamp Act seems to be described as 'the scheme of Townshend.' It is true that Charles Townshend supported the measure in the house of commons, but George Grenville was undoubtedly the author of it, and it is surely enough that the yet more disastrous measure of 1767 should be fathered upon Charles Townshend.

H. E. E.

The collection of *Facsimiles of Royal, Historical, Literary, and other Autographs in the Department of Manuscripts, British Museum* (printed by order of the trustees), has been more than once recommended to our readers as the successive series appeared. The fifth, which was issued recently, completes a volume, and enables purchasers to bind their sets—a most necessary thing in the case of loose plates. The specimens, as in the previous parts, are admirably chosen; we may instance Cromwell's letter to Lenthall announcing the battle of Naseby and Charles II's to Sir William Downing just before the outbreak of the war of 1672.

M.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to Mr. E. L. Poole, at Oxford, by the first week in March, June, September, and December.]

- The date of the Acts of the Apostles*: by R. B. RACKHAM [who argues for a date as early as c. 60].—Journ. Theol. Stud. i. 1. Oct.
- Recent research on the origin of the Creed*: by W. SANDAY [who maintains the derivation of the Western and Eastern types from a common original, the primitive baptismal creed of Rome; the Eastern becoming developed about the middle of the second century].—Journ. Theol. Stud. i. 1. Oct.
- The Testament of our Lord* [recently published by the patriarch Rahmani, and here dated not (as the editor thinks) c. 180 but about the middle of the third century].—Church Qu. Rev. 98. Jan.
- The early episcopal lists. I: The Chronicle of Eusebius*: by C. H. TURNER.—Journ. Theol. Stud. i. 2. Jan.
- The sacramentary of Serapion of Thmuis* [an Egyptian collection made c. 350]: printed by F. E. BRIGHTMAN.—Journ. Theol. Stud. i. 1, 2. Oct., Jan.
- Eusebius of Vercelli* [possibly the author of the 'Quicumque vult,' in the second half of the fourth century]: by C. H. TURNER.—Journ. Theol. Stud. i. 1. Oct.
- The so-called malbergic glosses in the Lex Salica*: by J. CALMETTE [who holds that they are not glosses at all, but simply references to the texts of the law in the Frankish language; malberg indicating this Frankish law, not, as Sohm maintains, the law-court].—Bibl. École Chartes, lx. 4, 5.
- The date of Romanos the hymn-writer*: by K. KRUMBACHER [eighth, not sixth, century].—SB. Akad. Wiss. München (phil.-hist. Cl.), 1899, ii. 1.
- The 'Vita Eptadii' and the 'Vita Eparchii'*: by B. KRUSCH [who maintains that the ecclesiastical system presupposed in the 'Vita Eptadii' is incompatible with the date to which it professes to belong, and reasserts his contention that lives of saints were forged with the definite object of claiming monastic foundations as royal and not episcopal. The 'Vita Eparchii' is taken to be a work not of the sixth or seventh century but of the Carolingian period].—N. Arch. xxv. 1.
- Notes on Frankish authorities*: by B. VON SIMSON [on the original of the 'Ann. Mett. ;' the 'Transl. s. Alexandri ;' and the 'Ann. Maximin.'].—N. Arch. xxv. 1.
- Two letters of the time of Charles the Bald*: printed from a manuscript in the Escorial library by E. DÜMLER.—N. Arch. xxv. 1.
- Regino's use of Justin*: by M. MANITIUS.—N. Arch. xxv. 1.
- The bulls of Sylvester II for Quedlinburg [999] and Monte Amiata [1002]*: by J. VON PFLUGK-HARTTUNG [who declares the former (which has been accepted by T. von Sickel and Paul Ewald as a facsimile copy of a genuine original) to be a forgery and the latter to be a corrupt transcript].—Hist. Jahrb. xx. 4.
- On Adam of Bremen*: by M. MANITIUS [who adduces evidence that he knew not only Terence, Sallust, and Solinus, but also the 'Agricola' and 'Germania' of Tacitus].—N. Arch. xxv. 1.
- Exorcisms against witchcraft*: printed from an early fifteenth-century manuscript by J. H. GALLÉE.—Arch. Nederl. Kerkgesch. vii. 4.
- Italian documents relating to French history*: by L. G. PÉLISSIER [a Venetian embassy letter to cardinal Amboise at Milan, July 1501].—N. Arch. Ven. xvii. 2.
- Letters from Sir Kenelm Digby to Luke Holstein, guardian of the Vatican library [1645-1651]*: printed by J. G. FOTHERINGHAM.—Antiquary, N.S., 121. Jan.

- The fall of ancient civilisation*: by J. BELOCH [who maintains that the cause was not the degeneration of the race, but moral and intellectual decline. The economic changes have also to be taken into consideration].—Hist. Zft. lxxxiv. 1.
- The history of penance in the east*: by V. ERMONT.—Rev. Quest. hist. lxvii. 1. Jan.
- Notes on Istrian and Dalmatian saints*.—Anal. Bolland. xviii. 4.
- Questions in Merovingian geography*: by L. MAÎTRE.—Bibl. École Chartes, lx. 4, 5.
- The great comital houses in the Carolingian age*: by R. POUFARDIN [illustrating the small number of families, and these Austrasian families, to which the chief actors in the history of the ninth century belong: in the tenth the area from which the prominent men come is enlarged].—Rev. hist. lxxii. 1. Jan.
- The connexion of St. Wandregisil with the Merovingian and Carolingian houses*: by E. VACANDARD [who shows it to depend partly on evidence furnished by the notorious forger Jérôme Vignier, partly on genealogies of the ninth century].—Rev. Quest. hist. lxvii. 1. Jan.
- The debts on loans contracted by the papacy in the thirteenth century*: by A. GORTLOR. Hist. Jahrb. xx. 4.
- The legend of the Palaeologi as a family of Viterbo*: by P. EGIDI [a critical discussion on this curious late medieval myth].—Arch. R. Soc. Rom. xxii. 3, 4.
- The jubilee indulgence of 1800 'a poena et culpa'*: by H. THURSTON [who discusses erroneous interpretations of the indulgence, explains the words 'a poena et culpa' as a popular and inexact phrase, and holds that the execution of the indulgence was properly safeguarded].—Dublin Rev., N.S., 33. Jan.
- The visit of an Avignon pope to his cardinals*: by E. CASANOVA [giving a contemporary account of the banquet, attributed, not as formerly to the pontificate of Clement V, but to 1343 in that of Clement VI].—Arch. R. Soc. Rom. xxii. 3, 4.
- The French in Tunis from 1600 to 1789*: by the late A. SPONT.—Rev. Quest. hist. lxvii. 1. Jan.
- The Austro-Russian alliance during the period of the seven years' war*: by E. STCHEPKIN. II.—Zhur. Min. Nar. Prosv. Dec.
- Memoirs of the countess V. Golovin* [1766–1820, chiefly dealing with Paris during the period of the first empire].—Istorich. Viestn. Dec.
- The campaign of 1799; the Russian army in Switzerland*: by H. HUEFFER.—Rev. hist. lxxii. 2. March.
- Memoirs of count L. Bennigsen on the war with Napoleon in 1807*: communicated by P. MAIKOV.—Russk. Star. Feb.
- Memorial of M. Speranski* [the favourite minister of Alexander I] *on the probabilities of a war with France after the peace of Tilsit*.—Russk. Star. Jan.
- The convention of Tauroggen* [1812]: by T. SCHIEMANN [holding with Droysen that the initiative was Yorck's, and arguing against the contention that he was acting under secret instructions], with documents.—Hist. Zft. lxxxiv. 2.
- Bismarck and foreign affairs in the time of the Crimean war*: by M. LENZ.—Hist. Zft. lxxxiv. 1.
- Recollections of a staff-officer in Bulgaria*: by P. PARENBOV, continued [on the settlement of the country after the war].—Russk. Star. Jan., Feb.

France

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THE ENGLISH HISTORICAL REVIEW

NO. LIX.—JULY 1900

The Scottish Parliament before the Union of the Crowns

II. *The Influence of Parliament.*

WHEN the king's council developed into what we understand by the word 'parliament,' it took its place as one of a series of competitors for the chief power in the kingdom. The king's prerogative was sufficient to cover everything that he was able to do, and an undefined law of treason⁶⁰ gave him a valuable weapon, which he did not fail to use. The Secret—afterwards called the Privy—Council was the executive of the realm. It consisted of such of the great lords as the king or ruler for the time being cared to summon, and its composition was occasionally defined by parliament; these acts affording an excellent test of the power of that body.⁶¹ King and council alike were threatened with

⁶⁰ The law of treason is stated in book iv. of the transcript of Glanvill's *De Legibus Angliæ*, entitled 'Regiam Maiestatem,' and it should be compared with the Acts against 'Leasing-making' which were published from time to time.

⁶¹ A few words will suffice to show the relation of the Privy Council to parliament. In 1369 we find its first appearance, to consult 'super certis et specialibus et secretis regis et regni negotiis antequam veniant ad notitiam consilii generalis,' and it probably owed its existence partly to the convenience of such an arrangement, and partly to the aspirations of the oligarchical party, which had led to the appointment of the Lords of the Articles. Henceforward it acted as the executive. There was no proper rule to govern the issuing of summons to attendance, and the exclusion of opponents was a frequent practice. The history of the council much resembles that of the parliament itself. Under a strong king, it was obedient to his wishes. During a minority or the reign of a weak monarch, it was first the battle-ground of the rival parties (so far as they did not find abduction of the king's person more serviceable), and then it degenerated into the creature of the ruling faction. In the beginning of

supersession by the rise of certain noble families from time to time. The strength of these nobles lay in the number of their retainers, over whom they had absolute power. Most of them were hereditary sheriffs of their own districts, and it was rarely that either king or parliament ventured seriously to interfere with their judicial powers. The early laws which have come down to us as illustrating the powers of the king's council are mainly concerned—like so many later enactments—with matters of administrative detail. The assizes of William the Lion deal largely with merchandise and the rights and obligations of merchants, and scarcely fall within our province. The work of the great council, down to the War of Independence, was to deal with police and judicial administration, to settle feudal claims and obligations, and to make grants to the king. It was consulted on marriage treaties (*e.g.* in 1153 and in 1295); but this was because marriage treaties involved expenditure.

In the reign of Robert the Bruce, as we find the first advance in membership, we meet also the first indications of a growth of power. His parliaments took measures for the security and defence of the kingdom. They passed laws regulating the succession. They established the English principle involved in the writs of novel disseisin and mort d'ancestor. They addressed the pope on the subject of the English claims, and told him of their great deliverance at the hands of king Robert. The great parliament of 1326 made a bargain with the king: in consideration of the 'many hardships he had sustained both in person and goods,' during his ten years' conflict with the invaders, they granted him 'the tenth penny of all their fermes and rents, as well of demesne lands and wards as of their other lands.' The collection was to be made by the king's officers; and all who claimed liberties promised faithfully to pay the proper sum to the royal servants. The grant was made only for the king's life, and two conditions were attached to it. Any remission made by the king would invalidate the whole grant. The king must not impose any further taxes (except, of course, the ordinary feudal dues), nor must he take prisage or carriage, except on a journey, and even then not without payment. In the last parliament of the reign, the treaty of Northampton, by which England acknowledged the independence of Scotland, was discussed.

the reign of James IV, it shared in the momentary symptoms of vague constitutional aspirations, being enlarged and appointed by parliament. For practical purposes it was often used by James IV, James V, and even by Mary, as a small body of private councillors. James VI, in 1598, reduced its members to thirty-one, and rendered it completely dependent on the Crown. Its records show the terror in which its members held the king. Between 1638 and 1650 it was eclipsed by the parliamentary committees and by the Assembly, and at the Restoration it became again the instrument of absolute monarchy.

The first reign in which the term 'parliament' is really applicable is that of king Robert. At the very beginning of parliamentary history in Scotland, we have, then, distinct precedents for three important constitutional rights—the regulation of the succession, participation in the settlement of foreign affairs, and sole powers of taxation. If we could regard these as having been claimed by parliament with consciousness of their full significance, and admitted by the Crown, we might fairly join with the older historians in holding that Scotland may be said to have anticipated the parliamentary institutions of England. The explanation lies in the circumstances of the reign. The king's title consisted in his leadership in his glorious war. The succession was uncertain; the Crown was poor; the nation was loyal. A writer on the English constitution could take these three points of which we have spoken, and trace their history through the centuries. Such a method would be futile here. These rights, and all other rights, stand or fall together. We can scarcely draw the wonted distinction between political and constitutional history. At times, we have neither, in any strict national sense; only family and personal history.

The leprosy-stricken age of King Robert was cheered by two important events—the birth of an heir, and the acknowledgment of the national independence. When he sank into the grave, he left the heritage of the nation's freedom, and the guardianship of his son, to the loyalty of the nobles. It was an opportunity for parliament to make good its position. But, as we have already seen, the precedent of 1326 was assumed to be valid only for the raising of money, and the 'parliament' was, at first, only the old council. The political events of the beginning of the new reign relate chiefly to the attempt made by England to place Edward Balliol on the Scottish throne, as a vassal-king. When that design had been, not without some difficulty, defeated, we find the parliament, without the burgesses, conducting all the affairs of the kingdom, and acting, for almost the only time in Scottish history, as the executive. It granted lands and charters; passed ordinances regarding the Staple; arranged (with the co-operation of the burghs) the treaty of peace with England and the ransom of the king; settled the privileges of the church and of the burghs, with which the king had been tampering; made provisions for the Highlands and Islands; and decided the mode of succession. This, however, is not parliamentary government, though it is more like it than anything else in Scottish history before the revolution of 1640. The king was at the first an infant, and afterwards a prisoner; and his character was at all times weak and contemptible. The nobles were divided by feuds. Nobody was strong enough to make himself supreme. The country was governed by a committee of the

nobles. Still, the reign of David II made two contributions to such constitutional theory as Scotland possessed. One of these is an emphatic reiteration of what had been done in the preceding reign. After his return from England, David, in pursuance of a private agreement with Edward III, attempted to persuade the Estates to acknowledge Lionel, afterwards duke of Clarence, as his heir. The account given of the affair by Wyntoun⁶² is notable as the first report of a debate in the parliament of Scotland :

That ilke yere quhen that wes don,
 A Parliament gart he hald at Scone.
 Thare til the Statis of his land,
 That in counsal ware sittand,
 He movit and said, He wald that ane
 Off the Kyng Edwardis sonnys ware tan
 To be king in to his sted
 Off Scotland, eftyr that he ware dede.
 Til that said all his lieges, nay ;
 Na thair consent wald be na way,
 That ony Ynglis mannys sone
 In [to] that honour suld be done,
 Or succede to bere the Crown
 Off Scotland in successione,
 Sine of age and off wertew there
 The lauchfull airis apperand ware.
 Quhen this denyit was utraly,
 The King wes rycht wa and angry ;
 Bot his yaryng nevyrtheles
 Denyit off al his liegis wes.

The words of the original Act are quite as emphatic.

The parliament of 1326 had declared that any personal remission of taxation by the king would render the whole grant null and void. The parliament of 1369 went much further. It enacted that no remission granted by the king to a convicted offender should have any force, and it asserted that any writ of the king was invalid which contradicted any statute or was not in accordance with the common law of the realm. This constitutional statement marks the 'highest' doctrine propounded by the Scottish parliament till the seventeenth century. While it is necessary to guard against laying too much stress on the history of the reign of David II as illustrating the growth of strictly constitutional and parliamentary principles, it would be erring on the other side to deny that here we have a distinct assertion of principle. We have been forced to discount much of the recorded action of parliament, on the ground that it is merely an instance of a number of nobles uniting to do what none of them was powerful enough to do singly.

⁶² *Original Cronykeil of Scotland*, book viii. c. 46.

But the parliament of 1369 contained burgesses at least on the roll of its members ;⁶³ and the wording of its resolution is distinctly suggestive of the existence of some constitutional sense.⁶⁴ The weakness and unpopularity of the king must be allowed due weight on the other hand ; and the tone of the record suggests rather a jealous interference with the personal schemes of the king than any broader view of rights.

With the ignominious reign of David II the male line of king Robert the Bruce came to an end. The question of the succession had already been settled by the parliament in favour of king Robert's grandson, Robert, the High Steward of Scotland, son of Marjory Bruce and Walter the Steward. We know that Robert had been a prominent figure during the reign of his uncle, and that David II regarded him with no good will. The reign of Robert II is one of the periods of Scottish history which stand in need of more thorough investigation. There are wars and rumours of wars ; vague traditions of conspiracies ; dim hints of a constitutional conflict between the Estates and the King. No figure stands out pre-eminently from the crowd ; no man of the time left any impression on succeeding generations. The one event that has given significance to the name of Robert II is the 'hontynge of the Cheviot,' the battle where the dead Douglas won the field. Two points demand notice on constitutional grounds. The family difficulties of the king led to the establishment of the succession by the Estates.⁶⁵ But the crown was entailed in accordance with the king's wish, and the fact affords no indication of the power of parliament. In the second place the early years of the reign mark a definite alliance with France, though it was not indeed the beginning nor the first formal announcement of that long friendship which affected Scottish civilisation in many ways, and which gave to the kingdom a place in European politics. Of the circumstances we know but little. The instructions to the ambassadors contain a mention of the consent of the *prelati, proceres, et tota communitas regni* to the proposal for a Franco-Scottish league ; and one of the conditions of its acceptance was that the Scottish parliament alone should decide a disputed succession without French interference — clearly a reminiscence of the pretext of which Edward I of England

⁶³ Cf. *supra*, p. 223.

⁶⁴ The control of taxation was maintained by parliament, and the king was informed that the grants were to be used for special purposes. No general statement was made which could be construed into a definite claim of the right of appropriation of supplies. The 'parliament' merely used for a particular purpose the power which at that moment it chanced to possess. It is the absence of any assertion of or struggle for constitutional principle that is ultimately decisive against the 'constitutional' theory. When, as here, the nobles had the power, they said they would do certain things, and they did them. But there is no conscious effort, traceable from generation to generation, such as we find in English history.

⁶⁵ Cf. John Riddell, *Stewartiana*, Edinburgh, 1843.

had availed himself. The French negotiations led to an *imbroglio* with England, to which undue weight has been attached. Robert had, in 1383, agreed to a truce with England. A number of his nobles, mainly to amuse a band of French knights, made a raid into the northern counties, in revenge for a recent English incursion. There is no reference to the affair in the Scots Acts. Froissart gives the most detailed account; and there seems to be no reason to attach to it any constitutional value whatsoever. Tytler, whose History is still in many ways our best authority, merely remarks that 'these were not the days when Scottish barons, having resolved upon war, stood upon much ceremony, either as to the existence of a truce, or the commands of a sovereign.'⁶⁶ Hill Burton, following Buchanan, regards the incident as the first of a series of instances showing that the power of peace and war was throughout Scottish history 'jealously retained by the Estates.'⁶⁷ We shall have occasion to refer to the other statements on which this generalisation is grounded. Meanwhile, it is sufficient to say that three years previously an agreement for a truce had been made at a private meeting between John of Gaunt and the earl of Carrick, king Robert's eldest son; and we have no evidence that any one thought of consulting the Estates at all.

During the latter half of his reign, the king was rendered quite incapable both in body and mind by some disease, the nature of which is uncertain. For a few years, therefore, there was considerable parliamentary activity. A laudable effort was made to restore order in the north, by sending Carrick to deal with the rebellious lords. We do not know how far he was successful. He was soon afterwards temporarily disabled by an accident, and his brother, the earl of Fife, succeeded to his place. These years are marked by certain police measures, and by efforts to suppress private feuds and carry out the decisions of the law courts. It is scarcely possible to say whether parliament gained or lost ground under Robert II. It is the transition period between the great council of the reign of David II, and the rise of individual nobles which alternated with intervals of regal government from the reign of Robert III to that of James VI.

The change of Carrick's name from 'John,' hateful by reason of its association with Balliol, to that of the hero of Bannockburn, could not avail to alter the weak disposition and character of the new monarch. The first years of the reign were free from conflict with the troublesome neighbour in the south; but they were years of internal feud, almost of anarchy. The career of the Wolf of Badenoch is typical of the time. Possibly the mysterious combat at Perth, where Hal o' the Wynd carved for himself a path to fame, is connected with some attempt to introduce order. Parliament

⁶⁶ Tytler, *History of Scotland*, iii. 26.

⁶⁷ Burton, *History of Scotland*, ii. 351.

met during these years only to sanction charters and other formal documents. But the meeting of the Estates in 1398 is a distinct epoch in the story. Burton⁶⁸ tells us that 'at length the cry of the nation reached and was re-echoed by the Estates in parliament ;' that, although 'in this assembly were those who had been the most flagrant and powerful transgressors, yet the parliament collectively emphatically denounced the evils of the day and sought to find a remedy for them ;' and that 'no one who could have checked the mischief was spared.' If we could accept this view of the situation, it would be an interesting exception to the common belief that an individual may have a conscience, but a body of councillors has none. But Burton's characterisation of this parliament is, *pace tanti viri*, a psychological impossibility. He founds his interpretation upon the often-quoted Act which attributed to the king all responsibility for the misgovernment of the realm, and called upon him, if he desired to exculpate himself, to show that the blame lay with his officers. The duke of Rothesay was appointed regent, and he was instructed to consult a council of 'wise and leal men.' We are not informed under what auspices the parliament met. But it is certain that the king was not accountable for his actions, and that the anarchy was largely due to the rivalry of the duke of Rothesay, his eldest son, and the duke of Albany, the king's brother, who, as earl of Fife, had held the title of 'Governor' in the end of the preceding reign. They and they alone could have 'checked the mischief.' The probability is that the meeting of parliament was really an incident in their struggle for power, that Rothesay was powerful enough to secure the regency, and that Albany succeeded in circumscribing his power by a council and by a decision that parliament was to be summoned once a year. But it is not necessary to allow even this importance to the appointment of a yearly parliament. The Act says that the king shall hold a parliament 'swa that his subjects be servit of the law.' It was to meet merely to overtake its judicial work—the decisions in feudal quarrels and on complaints of robbery and oppression.

This explanation of the cause of the meeting of the Estates of 1398 receives some confirmation from subsequent events—the misgovernment of Rothesay, his imprisonment by the duke of Albany, his mysterious death, and the peaceful succession of Albany to the governorship without, so far as the records go, any appointment by the Estates whatsoever.⁶⁹ The view we have taken seems the most probable when we consider the circumstances, the composition of parliament, and the whole tenour of the reign. It is, however, not

⁶⁸ Burton, *History of Scotland*, ii. 373.

⁶⁹ A declaration was made to parliament regarding Rothesay's death, in answer to rumours against Albany ; but this was merely a formal protest of innocence made to a semi-judicial body.

incompatible with an acknowledgment that there possibly existed in 1398 a neutral party which was able to wield a certain influence in the fierce division of parties. It is noteworthy that a resolution was passed that the names of Rothesay's councillors who agreed to any act of government should be recorded, so that he and they alike might be responsible to a general council. It would be rash to speak dogmatically in the present condition of our knowledge. There is a strong temptation to accept this as a constitutional movement; but it must be remembered that it is at least equally probable that we have here a device by which Albany aimed at ridding himself on the first opportunity of his reckless and dissipated nephew and of that nephew's favourite counsellors.⁷⁰ The great pitfall of Scottish historians has been to read later or foreign ideas into the scanty records of the national history.

If they are right who argue that under David II and the two Roberts we have a discernible impulse towards parliamentary government, we certainly lose all trace of it after the death of the duke of Rothesay. The duke of Albany kept complete control of the country till his death in 1419, when he was succeeded by his son, without any trace of parliamentary sanction. The government of the first Albany was firm, but he ruled as absolute master. A parliament had met in 1402, before Rothesay's death, and had passed some useful acts for the maintenance of internal order, probably under Albany's guidance. The most important of these refer to justice, and illustrate the difficulty of dealing with hereditary sheriffs. While the country was divided between Rothesay and Albany, parliament still had a place. After Rothesay's death it practically disappears till a great council was summoned in 1423 to discuss the propositions for James I's return which involved the question of a ransom.

Under the personal rule of James I we have the best instance in Scottish history of government in accordance with what would now be called the theory of the Scottish constitution. But it was not 'constitutional government' in our modern derived sense of the word. The parliament was not intended to be the ruling body. King James was a masterful man, and he aimed at using the parliament as the best means of creating a powerful monarchy, not at giving it a power to rival his own. His experience immediately on his return does not strengthen our belief in the 'parliamentarianism' of the preceding century. He found it impossible to persuade the smaller barons to attend, even by deputy, and he had to threaten with the penalties of treason his great lords who declined to be present. The burgesses alone seem to have regarded with sympathy

⁷⁰ It may be remarked that the Act does not say that 'in all time coming' a king or a regent is to be responsible, although it endows Rothesay with all the powers of a king. It was passed solely with reference to the immediate circumstances.

his meditated re-organisation of the kingdom. The Acts of his reign provided for the defence of the country on the analogy of the English Assize of Arms. They dealt with labour disputes; they instituted the system of licensed beggars to which we are indebted for Edie Ochiltree, and forbade any one to beg between the ages of fourteen and seventy. The numerous parliaments that met between 1424 and 1437 are full of police regulations, some of them petty enough, but all bearing the impress of the master-mind of the king. He vindicated his orthodoxy by enactments against lollardism, while he emulated the English kings in their prohibitions of papal interference.⁷¹ But, above all, the reign is memorable for the king's attempt to enforce justice.⁷² His great difficulty lay in the independence of the sheriffs, who continued to impede all improvements for three centuries after his death. The history of Scotland is full of complaints on this subject. 'The greatest hindrance to the execution of our lawes in this countrie,' wrote a later king, 'are these heritable Shiredomes and Regalities, which being in the hands of the great men, do wracke the whole countrie.'⁷³ It was easier to ordain frequent sessions of 'the Chancellor and discreet persons,' to forbid riding to the court 'with multitudes of folkis na with armys,' and to threaten the punishment of negligent sheriffs, than to carry out these schemes. The only guarantee for their receiving any obedience lay in the personal strength of the king. With the tragedy at Perth which rendered the Christmas of 1437 for ever memorable, the great plans of the first James lost all chance of fruition. Parliament had done good work during his reign. It had conferred a legality on his ordinances which rendered them less the creatures of the royal will and weakened the protests of the nobles against the king's tyranny.⁷⁴ But we cannot reasonably credit the Estates with any initiative. The Acts are the king's acts. Even the judges—the lords of session—were no longer elected by parliament; they were chosen by the king.

From the murder of King James I to the commencement of the personal rule of his son, parliament rarely met, and there is no evidence of any activity. The minority was occupied with the miserable rivalry of Crichton and Livingston, and with schemes for preventing the undue growth of the power of the house of Douglas.

⁷¹ Acts against 'baratry'—*i.e.* the purchase of benefices at Rome.

⁷² The king's interest in the maintenance of justice is illustrated by the well-known story told by Fordun's continuator, Bower, that, on his return to Scotland, where he found the misery caused by the incompetence and negligence of the second Albany, he vowed to devote his life to the restoration of order: 'Si Deus mihi vitam dederit auxiliante, et vitam saltem mihi caninam praestante, faciam per univesum regnum clavam castrum, et dumet[u]m vaccam, absque possessoris ambiguo ad me custodire,' *Scotichronicon*, xvi. 34.

⁷³ King James VI, *Basilikon Doron*, book ii.

⁷⁴ The picture of Graham, the king's murderer, as an outraged exponent of constitutionalism is a pious imagination.

It is an illustration of how far Scotland was from possessing a parliamentary theory, that Douglas was credited with an intention of setting up a parliament of his own. His aim seems to have been to create for himself a sort of kingdom with some vague feudal dependence on the king of Scotland. Beyond some administrative Acts of 1449, there is no parliamentary progress to record till after the second and final defeat of the great house in 1454. The Douglas influence was so strong in 1449 that they passed an Act which rendered it lawful to seize by force, with the consent of the three Estates, the person of the young king, who was growing restive under the Douglas domination.⁷⁵ When James of the Fiery Face at last succeeded in throwing off the yoke he set himself to carry out the work that his father had left unfinished. His legislation covers some pages on the statute book. But it is mainly a repetition of the work of James I, and many of the Acts are really decisions in private cases. Pitscottie⁷⁶ describes to us the suitors that thronged when parliament met—'widows, bairns, and infants, seeking redress for their husbands, kindred, and friends that were cruelly slain by wicked bloody murderers.' The reign is not devoid of some progress in justice and police regulations. But it exemplifies the tendency of the Scots parliament to exercise the functions merely of a court of justice. Under good influence like that of James II and bishop Kennedy, it decided causes in favour of the poor and the oppressed, and made general regulations to meet all such cases in the future. Under the influence of some ambitious nobleman, it passed partisan measures which rendered legal his treatment of his opponents. King James VI⁷⁷ did not speak purely out of prejudice against the power of parliaments when, years before the fateful journey that brought him into contact with the English Commons, he wrote :

As a Parliament is honourablest and highest judgement in the land—if it be well used—so is it the injustest judgement seat that may be being abused to men's particulars; irrevocable decreets against particular parties being given therein, under colour of generall lawes, and oft-times the Estates not knowing themselves whom they hurt.

The credit of the wise legislation which marked the last six years of the life of James II belongs to the king and the bishop of St. Andrews. Parliament was merely a good tool in wise hands. There is no proof that it ever really decided—or even had a voice in deciding—anything of importance. In March 1457–8, all the leading Acts of the reign were confirmed, and the Estates petitioned the sovereign 'with all humilitie . . . to be inclynit with

⁷⁵ This has been viewed as a serious constitutional claim (*e.g.* Ridpath, *op. cit.* p. 4), and it illustrates the type of error on which the 'constitutional' theory has thriven.

⁷⁶ Edition of 1778, p. 24.

⁷⁷ *Basilikon Doron*, book ii.

silk diligence to the execucione of these statutis, acts, and decretis above writtyn that God may be emplesit of him,' and congratulated him on the peace of the realm. Two years later in prosecuting a war ⁷⁸ with 'our enemy of England,' James, 'more curious than became him or the majesty of a king,' was watching the firing of a cannon, before Roxburgh Castle, when it exploded, and Scotland was again plunged into the troubles of a minority.

The death of the king made at first but little difference to the conduct of affairs. Bishop Kennedy continued to rule till his death in 1465. No sooner did the statesman and patriot disappear from the scene than a coalition headed by Lord Boyd seized the young James III, and carried him in triumph from Linlithgow to Edinburgh. A parliament was at once summoned to sanction their proceedings. The king was made to declare that he had gone willingly, and the Estates created Boyd James's governor, and somewhat illogically granted him a full pardon. Under the sway of the Boyds, parliament met every year; but it was merely a tool in the hands of Lord Boyd, who combined in his own person the offices of governor of the royal family, justiciar, and lord chamberlain. In 1469 the Boyds fell. A strong rival party had formed an opposition of which we find traces all through the brief term of power enjoyed by Boyd. It is significant that this opposition is found everywhere except in parliament, which unanimously agreed to measures against the malcontents. The parliamentary tactics of the Boyds were used against themselves. A meeting of the Estates was at once called by the king, now under the influence of Lord Hamilton, and the whole of the late ruling faction were condemned to the penalties of treason, on the ground of the king's seizure, for which the same body had, three years before, solemnly pardoned them. Their vast possessions were confiscated. The Hamiltons, who had gained the confidence of the young queen, continued to rule. So far, the political history of the reign is clear, and the position of parliament falls at once into line with it. But we dare not attempt to unravel the tale of intrigue which convulsed the country during the next twenty years. The reign of James III is an unsolved problem. But the constitutional feeling may be illustrated by a representative incident. The parliament of 1482 was completely under the control of the duke of Albany. The Estates passed Acts which gave to him control of the property of the Crown, and power over the life and liberty of the lieges. One year later it rescinded all these Acts and proscribed the duke. They may be right who have found great constitutional activity in the mysterious records of the reign. It may be that amid all the disorder and confusion the burgesses and some neutral prelates

⁷⁸ There is no evidence that the Estates knew anything about this war.

were able to exercise some influence. It is certain that there was as usual no lack of attention to judicial and police requirements. But until some intelligible and consistent account of the reign has been offered, we may be pardoned for refusing to believe that out of these unruly struggles of selfish and grasping lords came calm constitutional progress.⁷⁹

The rebellion in which James III lost his life was, as usual, discussed in parliament: that is to say, the first parliament of the new reign declared that it was not a rebellion at all, and that, whatever it was, the new monarch and his advisers were not responsible for it. At first, James IV was in the hands of the nobles who had persuaded him to enter the field against his father. His second parliament is memorable for a claim raised by the Lords of the Articles 'that Compts and Rekyning be takin of all the king's officiaris, his thesaurars and comptrollers, auld and new of our soverane lord's tyme that now is, and that auditors be chosen and named by the avise and autorite of this parliament.' This is not the tone in which we have been accustomed to hear the parliament speak. It is coincident with the appointment in parliament of 'our Sovereign Lord's Secret Council,' and with a resolution that the king has 'humilit his highness' so far as to promise to act by its advice. The council was composed solely of prelates and great lords representing mainly the party in power, although including the patriotic bishop of Aberdeen,⁸⁰ who had been a faithful servant of James III. We have here a distinct constitutional advance. The king owed his power, not to a small clique such as had been frequently formed in the late reign, but to a large confederation of the greater nobles, who took the opportunity of legally defining the position of the sovereign. But, within a few years, we find James ruling alone. He was an able man and he ruled well. The parliament met frequently and did what the king wished. We find in its records references to embassies to Spain, France, and England, and to the king's marriage. But we know from the foreign correspondence of England and Spain, that the policy of Scotland depended upon the king, and on him alone. Parliament regulated in certain cases the incidence of taxation: at all events it passed Acts for this purpose. Contemporaries did not imagine that the Estates alone had powers of taxation. John Major,⁸¹ writing a few

⁷⁹ The only incident that tells for the 'constitutional' interpretation is the refusal of the Lords of the Articles to allow the king to aid Louis XI of France in 1473. But the action of the Estates was simply the action of the chancellor, Evandale, and his party, who ruled the king with a rod of iron. It is very likely that there was, especially among the clergy, a strong general feeling against going to war, and this feeling strengthened the king's gaolers. But the opposition of a small ruling clique of nobles to the whim of a powerless monarch is scarcely to be regarded as a great constitutional fact. It must also be remembered that the few who constituted the Lords of the Articles were virtually the Estates.

⁸⁰ William Elphinstone.

⁸¹ *History of Greater Britain*, p. 352 (Scottish Hist. Soc. ed.).

years after the strong hand of James IV had been removed, made this remark :

As to the levying of taxes, I will limit my opinion to this expression : that in no wise should the power be granted to kings save in cases of clear necessity. Further it belongs not to the king nor to his privy council to declare the emergence of any sudden necessity but only to the three estates . . . I am aware that Aristotle in his second book of the *Politics* says wisely that laws are not to be changed ; yet, in the judgment of the wise, they may be modified in accordance with the demands of equity.

Major remarks on the difficulty of collecting taxes in Scotland and on the folly of the kings in alienating confiscated estates, 'since there is no regular taxation of the people.' His remedy is, as we have seen, the regulation of taxation by parliament. He was a scholar and a traveller, and it matters not how he came to think as he did. But it is clear that he advocated a change.

Nor did James regard the Estates as possessing 'powers of peace and war.' Pedro de Ayala⁸² tells us of a conversation which he held with the king which gives us the royal views : 'He said to me that his subjects serve him with their persons and goods, in just and unjust quarrels, exactly as he likes, and that therefore he does not think it right to begin any warlike undertaking without being himself the first in danger.' Boece in his biography of Elphinstone,⁸³ mentions councils which preceded Flodden : but they are meetings of the king's private advisers. It is instructive to note that one parliament was held with reference to the English war. About a fortnight before the battle, what is termed a 'parliament' was held at Twiselhaugh. It was composed of 'all his lords being there for the time in his host,' and it secured that the heirs of all who were slain should be exempted by the king from certain feudal dues. The exemption can only have been the king's own act. It is an additional testimony to the purpose for which the Scots parliament normally existed—to ratify what somebody else had done. If there are vestiges of constitutional claims at the opening of the reign, there are none at the end of it. But though the parliament had not been free, neither had it been idle. It was a time of unusual prosperity and of great expansion of trade. The pages of the statute-books are full of useful Acts, especially for the encouragement of shipping, in which the king was greatly interested.

While the 'lilt of dule and woe' which followed the disaster at Flodden was still filling the land, the country was again plunged

⁸² Pedro de Ayala to Ferdinand and Isabella, 25 July 1498 (*Spanish Calendar*, i. no. 210). The context shows that the remark was incidental, and was induced by an allusion by the ambassador to the king's behaviour in battle.

⁸³ *Lives of the Bishops of Aberdeen*, pp. 102-5 (New Spalding Club ed.).

into the misery of feudal quarrels. The ambition of the lords, and the caprices of the Queen-Mother—a true sister of Henry VIII—fill up the minority of the king. Parliament met only to ratify appointments which it had no power to question, and to deal with official business. It is possible that the Estates chose the duke of Albany as regent, but it is almost certain that the impulse must have come from some of the leading nobles or prelates; and when we recollect that the 'Estates' meant the Lords of the Articles, it is scarcely necessary to discuss the matter as presenting even the remotest possibility of a parliamentary choice. James V was nominally declared of full age in 1524. But he was then only thirteen years of age, and the 'erection of the king' was merely a pretext for the transference of the power from Albany to queen Margaret, the parliament of course approving when it was told to do so. Until the king became personally responsible for the government, there was little done in parliament. If we except a slight activity in 1526 (mainly relating to such incidental matters as the capture of ships and the furnishing of the royal residences), there is scarcely anything to record till we reach the year 1535. Parliament met; but its business was purely of an official nature. All that we know of the parliament of May 1527, for example, is that it issued two continuations of summons, one 'reduction' of a process of forfeiture, and eleven ratifications of charters, and received four protestations. A single official, appointed for the purpose, could have done all the work.

James V is known in history as the 'Commons' King.' We are therefore prepared to find during the five years of his personal government a considerable amount of social legislation of the ordinary type, dealing often with trivial details, which show that the burgesses were in co-operation with the king. But of parliamentary interference there is not a trace. The hostilities with the 'auld enemy,' a mischance in which broke the king's heart, seem not to have been referred to the Estates in any way. The reign of James V was contemporaneous with the English Reformation, and before the king died the new doctrines had gained considerable strength in Scotland. But James himself, after his alliance with the house of Guise, had become more rigidly orthodox, and his last parliament passed Acts enjoining obedience to the pope and the worship of the Virgin Mary, and prohibiting any convention to discuss Scripture. The royal influence was supreme.

The stories of the minorities of James II, James III, and James V read almost like repetitions of each other. The names and dates vary; the essential facts are the same. The minority of queen Mary is widely different. The difficulties no longer arise from petty squabbles and contemptible personal intrigues. There is a deeper significance in every movement. It is a conflict, not of

men, but of principles. On the one hand was the ancient French alliance, associated with the ancient faith. On the other hand stood the possibility of new relations with England and the acceptance of the Reformed doctrines. At first, the revolutionary party held the power. The Scottish nobles had observed the English king's dealings with the lands of the Church. In Scotland there was no masterful Tudor to enrich himself. We find accordingly the acceptance of the marriage proposals of Henry VIII, and, significantly enough, among the domestic legislation of the time is an Act making it lawful 'to haif the haly write, baith the new testament and the auld, in the vulgar tounge in Inglis or Scottis of ane gude and trew translation.'⁸⁴ The 'English wooing,' which passed into a proverb in Scotland, did not merely put an end to the suggestion of a marriage between queen Mary and Edward VI; it altered the situation in Scotland, and deprived the reforming section of their hopes of success, by forcing the nation into a French alliance. In 1545, parliament, always obedient, inveighed against 'heretiks and thair dampnable opinionis incontrar the fayth and lawis of halykirk.' But it was not till the regency was transferred from the earl of Arran (now duke of Chatelherault) to the queen-dowager in 1554 that the success of the conservative section in the realm was complete. 'Thus,' wrote Knox, in reference to the event, 'did light and darkness stryve within the realm of Scotland; the darkness ever befor the world suppressing the light.' The reservation, 'befor the world,' is significant. Knox knew that every year since the death of James V had added converts, ever increasing in number, to the new faith. But all the time parliament became more and more rigidly orthodox.

The struggle between the two parties found an issue in open warfare. The protestants formed themselves into 'the Congregation of the Lord.' But they did not look upon parliament⁸⁵ as the proper field for their contest with 'the Synagogue of Satan.' The insurgents and their English allies gained no success on the field; but the death of Mary of Guise and the absence of her daughter in France procured for them the results of victory. Scotland was definitely in the hands of the protestant nobles. Parliament met in 1560, and abolished the Roman Catholic faith within the realm. But, as we know from Knox's 'History,' it merely ratified what was otherwise settled. Behind it were the nobles and the protestant clergy. The ministers petitioned the Estates to establish the protestant faith. They were told⁸⁶ 'to draw in playne and severall

⁸⁴ The burgesses and 'a parte of the nobilitie' had petitioned for the Act (Laing, *Knox*, i. 100).

⁸⁵ In 1558, indeed, before the outbreak of hostilities, the Lords of the Congregation asked the queen regent to abrogate the Acts against heresy, and Mary made the pretext of her refusal the difficulty of obtaining the consent of the prelates (Spottiswood, *History of the Church of Scotland*, sub anno 1558).

⁸⁶ Laing, *Knox*, ii. 87.

heidis, the summe of that Doctrine, quhilk they wald menteyne, and wald desyre that present Parliament to establische, as hail-some, trew, and onlie necessarie to be beleivit and resairvit.' Within four days Knox and his colleagues presented the very comprehensive Confession of Faith which continued for nearly a century to be one of the Standards of the Church. It

was redd, everie article by itself . . . and the vottis of everie man war requyred accordingle. Of the Temporall Estate onlie voted in the contrair the Earl of Atholl, the Lordis Somervail and Borthwik; and yit for thair disassenting thei produced ne better reassone, but 'We will beleve as oure fateris beleved.'

Acts were passed against the mass, and against papal supremacy.⁸⁷ But the whole of the desire of the ministers was not accorded. The First Book of Discipline did not receive parliamentary sanction, because it contradicted the views of the nobles as to the disposal of church property.

While, then, the parliament of 1560 was in some sense the creature of the Assembly, and though its resolutions were conditioned by the wishes of the nobility, it occupies a very important position in Scottish constitutional history. We do not lay much stress on its opposition to the sovereigns. That in itself was neither novel nor remarkable in any way. It was obedient to the powers of the day. But it is the first parliament where the burgesses and the smaller barons attended and voted in accordance with their own feeling. They were protestants and they were in complete agreement with those who were guiding the meeting of Estates. It is also the first parliament which had the consciousness of power. They and their leaders were making a great national change. The parliament of 1560 was the first step towards a constitutional theory for Scotland.

This meeting of the Estates has still another aspect. It was significant that an assembly of ecclesiastics drew up the Acts by which the parliament became famous, for we have here the first appearance in constitutional history of a greater than the parliament. Into the General Assembly of the Church there soon drifted those principles and aspirations that might have given life to the Estates. We shall have occasion to notice the part taken by the assembly in the coming struggles. But it may be well here to indicate its claims. They were not formulated in 1560, but were of gradual growth. We find them implicit in the writings of Knox; but they were first definitely advanced by a man of no less intellect than the rugged reformer—Andrew Melville,

⁸⁷ For other important points in connexion with this parliament, cf. *supra*, pp. 221, 227.

the antagonist of James VI. Melville, in his frequent interviews with the king, 'talkit all his mynd in his awin manner, roundly, soundly, fully, freely, and fervently.' But he never stated his view in more explicit terms than on the memorable day when, after calling king James 'God's sillie vassal,' he addressed him thus :

And thairfor, Sir, as divers tymes befor, sa now again, I mon tell yow, thair is twa Kings and twa Kingdomes in Scotland. Thair is Chryst Jesus the King, and his Kingdom the Kirk, whase subject King James the Saxt is : and of whase Kingdom nocht a King, nor a lord, nor a heid, bot a member.⁸⁸

Knox, in his interviews with James's mother, had taken lower ground. But Melville was not using idle words. There was no power in the land that could cope with the church. From 1567 the assembly met some days before the opening of parliament, and prepared church business, which was generally the principal item on the parliamentary list of agenda.⁸⁹ As early as 1565, it sent queen Mary an overture against 'the papisticall and blasphemous masse . . . not only in the subjects, but also in the Queen's Majestie's awin person,' and Mary's reply was couched in sufficiently humble terms.⁹⁰ Two years later, it issued instructions to the parliament about the ratification of the Acts of 1560, the question of the Darnley murder, and the treatment of the young prince.⁹¹ It claimed the old ecclesiastical jurisdiction in all questions of morality, religion, education, and marriage.⁹² It imprisoned offenders, and it informed magistrates how they were to act and threatened them with the censure of the kirk. Its sentence of the greater excommunication involved the cessation of human intercourse⁹³ and the forfeiture of legal rights. The presbyterian system of church government, with its careful distribution of authority, was able to make such a sentence a terrible reality. Not only the General Assembly, but the synod or the presbytery or the kirk session, was a court of justice. The records which have been published show with what vigour their power was used. Men of position and influence quailed before those stern judges. The old church had often been powerful under a strong bishop. But the secular forces gained strength while a see was vacant, and

⁸⁸ *Autobiography and Diary of Mr. James Melville*, p. 370 (Wodrow Society). The year is 1596.

⁸⁹ *The Book of the Universall Kirk of Scotland*, i. 329, 362, &c. (Maitland Club).

⁹⁰ *Ibid.* i. 59.

⁹¹ *Ibid.* i. 506.

⁹² *Ibid.* passim.

⁹³ 'We farther give over in the hands and power of the devill the said N., to the destruction of his flesh ; straitlie charging all that professe the Lord Jesus, to whose knowledge this our sentence sall come, to repute and hold the said N. accursed, and unworthie of the familiar societie of Christians ; declaring unto all men that suche as hereafter, before his repentance, sall haunt or familiarlie accompanie him, are partakers of his impietie and subject to the like condemnation.'—Sentence of excommunication in the *First Book of Discipline*.

sometimes secured the appointment of a less dangerous personage. A presbytery never died; its members might change, but it continued its work, calmly and relentlessly, grinding 'exceeding small.'

Nor was the power of the church confined to criminal jurisdiction. Two instances will serve to show the extent of its influence. In 1594, king James asked the presbytery of Edinburgh to 'procure the leveing of six hundreth footmen and four hundreth horsemen' to suppress a rebellion; and the presbytery complied with his request.⁹⁴ At the meeting of the General Assembly in March 1596, king James was present. 'He urged a contribution of the whole realme, not to be lifted presentlie, but when need sould require,' and, to gain the sympathetic consideration of the assembly, he promised that 'his chamber doors sould be made patent to the meanest minister in Scotland; there sould not be anie meane gentleman in Scotland more subject to the good order and discipline of the Kirk than he would be.'⁹⁵ It would be easy to multiply examples.

It was no case of ecclesiastical tyranny. The leaders of the church might well apply to themselves the promise, 'The peopleshall be willing in the day of thy power.' Modern democrats have denounced the assembly as the oppressors of a priest-ridden populace. But the assembly had made possible the existence of a public opinion in Scotland, and the public opinion of Scotland was with the assembly. It is true that the documents to which assent was required appear to us crowded with metaphysical subtleties, to some of which no man who valued his freedom of thought could subscribe. But it must be remembered that these cast-iron theories registered the results to which that generation had attained. Moreover, it was in the church courts, first of all, that Scotsmen learned the value and the power of debate. The church did for Scotland what the parliament accomplished for England. The assembly was not a meeting of ecclesiastics alone. The strength of the church lay in the presence of lay members in her courts,⁹⁶ to which there came earls, lords, and barons, and commissioners from provinces and universities. Each member, be he lord or peasant, the minister of St. Giles, or a Glasgow baillie, had equal right to speak, and no man's vote counted for more than that of his neighbour. The history of Scotland from the Reformation to the Revolution is the history of the General Assembly. The motto which it shared with other reformed churches is the story of the seventeenth century: *Nec tamen consumebatur*. Yet the flames burned fiercely enough.

⁹⁴ Calderwood, *Historie of the Kirk of Scotland*, v. 341-2 (Wodrow Society).

⁹⁵ *Ibid.* pp. 396-7.

⁹⁶ Cf. *Presbytery Examined: an Essay on the Ecclesiastical History of Scotland since the Reformation*, by the late duke of Argyll; and the various books on Scottish church history.

From what we have said of the assembly, the inference as to the parliament is clear. Its history between the year of queen Mary's return and the day when Andrew Melville addressed king James in the words we have quoted is one rather of retrogression than of progress; nor did it, at any subsequent period, overawe the General Assembly. Further than this point we cannot go in any detail. The history of Scotland between 1567 and 1707 is so intricate, and has been so thoroughly expounded, that only a brief concluding sketch is necessary in an essay of the present nature, however essential to a constitutional history of Scotland. In 1560, it was, to some extent, a free parliament, as Knox said, and it could claim to represent popular opinion. During the reign of Mary, as we have already seen,⁹⁷ it relapsed into its old position of ratifying the acts of the privy council. Nor was the parliament which met in December 1567, while the hapless queen was spending at Lochleven her first year of captivity, in much better case. The country was divided between 'King's men' and 'Queen's men.' The Estates did what Murray and Morton wished to be done. There is one provision which, though in conformity with Murray's views, does not bear the impress of his hand. It reminds us that the author of the 'First Blaste against the Monstrous Regiment of Women' was present as an assessor in the parliament when we read: 'Als it is thocht expedient that in na tymes cuming ony wemen sal be admittit to the publict autoritie of the realme or functioun in publict government within the same.' It was not a deliberate attempt to alter the succession. It was merely an additional illustration of bad feeling towards the captive queen.⁹⁸ Until the 'Black Acts' there is little in the proceedings of the parliament which calls for remark. The meetings were largely occupied with the usual sentences of forfeiture. Sometimes the queen's party held rival parliaments, and on such occasions everybody in Scotland of any importance was declared a traitor by one side or the other. A considerable amount of valuable work was done. Murray, whatever his personal character, was a statesman, and he left the impression of 'a still strong man' upon those who survived him. His policy and that of his successors was guided by their dependence upon Elizabeth and by their associations with the assembly.

⁹⁷ *Ante*, pp. 234-235.

⁹⁸ The same parliament asked the council to bring forward its evidence against Mary. If we knew all that lay behind this motion, we should probably possess a key to the problems on which so much ingenuity has been exercised. The statement, frequently quoted, that the Estates passed a solemn resolution affirming their power to depose the sovereign, rests solely on the authority of Buchanan, and is directly antagonistic to the language both of the *Acts* and of the Scottish commissioners' protestations at York and Westminster, in which Mary is represented as abdicating of her own free will.

Parliament was largely occupied with the settlement of the church, but it found time to regulate matters of police and trade. The influence of the assembly continued to be paramount till 1584, when, for the first time, king James was able to assert his personality. The 'Black Acts' of that year included a declaration of the king's royal power over all subjects, the 'supremity of parliament,' the illegality of conventions or assemblies not sanctioned by the king, and the subjection of ministers of the church to the civil courts. No weight whatever can be given to the phrase 'supremity of parliament.' It meant only that the king knew that he could use the parliament as he liked, while the assembly was as yet beyond his control. We do not intend to enter into the complicated story of the conflict between the king and the church. But from 1584 the parliament was generally at the disposal of the king. Still more is this the case after the year 1603. The parliament became the mere shadow of the royal power. It declared in 1606—the year after the defiance of the king by the Aberdeen assembly—'our soverane monarche, absolute prince, Judge, and governor over all persones, Estaittis, and causis, baith spirituall and temporall, within his said realme.' Only twelve years had elapsed since Andrew Melville's speech. The union with England meant that the king had power to coerce Scotland. The same obsequious parliament outraged the national sentiment by the re-establishment of episcopacy, although the assembly was still so strong that the bishops protested that there was no design to alter the discipline of the kirk, 'and submitted themselves in all time comeing to the judgement of the General Assemblie.' Parliament was governed by the Lords of the Articles, and they were the creatures of the king. James did not exaggerate when he said:⁹⁹ 'Here I sit and governe it [Scotland] with my pen, I write and it is done, and by a Clarke of the Councell I governe Scotland now, which others could not doe by the sword.' The satirist who accompanied king James on his visit to Scotland in 1617 gave vent to a merited sneer at the three Estates. 'Their Parliaments,' he wrote, 'hold but three days; their statutes are but three lines.'¹⁰⁰ The anonymous apologist who replied made no effort to meet the accusation. It might have been king James himself that wrote: 'For the brevitie of your parliaments ye are beholden to your wisdom, for the brevitie of your statutes to your justice.'¹⁰¹

The conduct of affairs in Scotland remained, at first, unchanged by the death of James VI. The few parliaments of the reign are occupied with taxation, ratification, and other formal business.

⁹⁹ Speech at Whitehall, 31 March 1607.

¹⁰⁰ 'A Perfect Description of the People and Country of Scotland,' printed in the *Abbotsford Miscellany*.

¹⁰¹ 'Answer to the "Perfect Description,"' *ibid.*

James had been statesman enough to fear the influence of Laud in Scotland.¹⁰² Charles allowed a meddling ecclesiastic to stretch too far the allegiance of his people to their ancient house. The parliament of 1628-30 is of no importance in the history of Scotland. It was poorly attended, and its deliberations were a foregone conclusion. The parliament of 1639 was crowded, and it began its work with a protest against the method of electing the Lords of the Articles. The protest was feeble enough to be the first faint symptom of a revolution; but the revolution had already taken place. The people were led as before, not by the parliament, but by the assembly. The Glasgow assembly of 1638, which continued to meet in spite of its 'dissolution' by the king's commissioner, was the means by which a fatal blow was given to the first *régime* of episcopacy and absolute monarchy. It rendered possible the revolutionary parliament of 1640. We have already noticed the more important of its proceedings. It continued to look for support to the assembly. It grounded its resolution against the presence of prelates in parliament on the Act of assembly abolishing episcopacy. In 1641, it besought the assembly to sit in Edinburgh instead of in St. Andrews, sending 'some of everie estait to represent' its sense of 'the great necessitie at this tyme of the concurring advyse of both the Assemblie and Parliament,' and promising 'to sett downe ane solid course for the beiring of the chairges of the Commissioners to your yeirlie Generall Assemblies.'¹⁰³

From 1641 to 1650 Scotland was ruled by the Scottish parliament, in conjunction with the assembly. The Estates undertook the management of the war, carried out the negotiations with the English parliament, and with the king, and were at the same time able to give due attention to the minutest local details. Like the Reformation parliament of 1560, the Covenant parliament of 1640 marks a distinct stage in Scottish constitutional history. After making allowance for the revolutionary nature of the time, and for the dependence of the parliament on the assembly, it remains true that it grew to occupy a position different from that of any of its predecessors. It had learned much from England. Not for the first time, but more emphatically than ever before, do we find the Estates adopting the language of the English parliamentary opposition. On the other hand, the Scottish parliament was in some ways in advance of its English sister. When Charles I paid his second visit to Scotland, in 1641, he found himself a puppet in the hands of his erstwhile obedient Estates. As we have seen, the Lords of the Articles became open committees of parliament, and they were jealously watched by their colleagues. Parliament claimed

¹⁰² Hacket, *Scrinia Reserata*.

¹⁰³ Letter of the Estates to the assembly, 17 July 1641 (*Acts*, v. 625).

the appointment of the privy council, and of all the officers of state.¹⁰⁴

The reader will note with surprise the large amount of space occupied by the proceedings of parliament during these years. Much is merely the record of judicial acts, and much was done by parliament that we should regard as pertaining to the executive. For our present purpose it is unnecessary to descend to particulars. Our main contention is that the supersession of the royal power was rendered the more easy and the less significant because of the official character of the normal parliamentary procedure. The Estates, having the power to defy the king, could point to their own history as good warrant for their use of it. The sovereign, they argued, had never dared to prorogue them against their will. Charles knew that they spoke the truth, and he could but accept the position. If the record of the Estates was one long submission, it did not contain a defeat, and it was capable of two interpretations. So, after the death of the king, the men who had just executed Huntly sent to offer terms to Charles II. It is significant that there were four representatives of the Estates, and three of the assembly. The power was still conjoint, although parliament during these years of struggle had learned to act. When the young king came to Scotland, he found himself little more than a prisoner in the hands of the grim, staunch, fearless men who surrounded him. He was forced to sign the most humiliating confessions of the sins of his family, and he abjured 'prelacy and all errors, schism, and profaneness.' Cromwell's victory changed the aspect of affairs,¹⁰⁵ and ended, for the time, the history of the parliament of Scotland. The short-lived 'union' did not take effect till 1654, but from the date of the battle of Dunbar both assembly and Estates had to acknowledge their master. In 1653, the general assembly was reduced to plead 'that we were ane Ecclesiasticall synod, ane spirituall court of Jesus Christ, which medled not with anything civile.'¹⁰⁶ But the assembly ceased to meet: and the government of Scotland was neither ecclesiasticall nor civil, but martial. The parliament agreed to the union: once again, because it was ordered so to do.

The story of the Cromwellian parliaments is no part of our subject. Scottish counties and burghs were represented, and an elaborate scheme was prepared to adjust the proper proportions—a scheme which afterwards was the model for further developments.¹⁰⁷ Two Acts were passed by the united parliament which

¹⁰⁴ 'Some Brieffe Memorialls and Passages of Church and State from 1641-9' (*Historical Works of Sir James Balfour*, vol. iii.)

¹⁰⁵ Cf. *Scotland and the Commonwealth*, ed. Firth (Scottish Hist. Soc.)

¹⁰⁶ *Principal Baillie's Letters and Journals*, iii. 225-6, ed. Laing.

¹⁰⁷ *The Government of Scotland during the Commonwealth (Acts)*, vol. vi. pt. 2).

affected the current of Scottish history—the establishment of free trade with England and the abolition of feudality.

The Commonwealth passed away, and Scotland had once more its covenanted king. The irony of fate used the Committee of Estates, the body which Charles I had known as an enemy, to deliver over the country to his son. The Committee of Estates was followed, when the king's commissioner arrived, by the meeting of the Restoration parliament. The main difficulty was the religious one. Parliament was reduced to the position it had occupied before 1638. In 1661, it passed an Act which rescinded all its own statutes since 1640. It humbly confessed the king's right to choose all officers of state and members of the privy council; it acknowledged his right to call and prorogue parliament; it re-established the tyranny of the Lords of the Articles. It recalled bishops to parliament, and proscribed the national religion. Even when the English parliament had recovered from its emotional loyalty, and begun to resume its old attitude to the king, the Scottish Estates remained absolutely at his disposal. When, later still, the succession was disputed in England, an Act was passed in Scotland to declare that it could not be altered 'without involving the subjects in perjury and rebellion.' When Charles II died, parliament addressed James VII in terms ludicrously obsequious: 'The death of that our excellent monarch is lamented by us to all the degrees of grief that are consistent with our great joy for the succession of your sacred majesty.' Between 1660 and 1689, the Scottish parliament was once more the merest instrument for official sanction. A contemporary has left us his impressions of the time. He tells us that the methods of the Lords of the Articles were not quite so secret as they used to be.

Of late times matters have been at full length and freely debated in Parliament. They sit all in one House, and every one answers distinctly to his name and gives his vote, which is in these terms, *I approve or not*; only those who are not satisfied one way or another, say *Non liquet*, which is a great ease to those who are conscientious, and a common refuge to the cunning Politicians; the major vote carries it. No dissents or protests are allowed in public Acts, but are accounted treasonable.¹⁰⁸

The arm of the government was all-powerful, and they had not even to guard against opposition. A caricature of the General Assembly was maintained to give a further ecclesiastical ratification to the king's acts. 'But,' adds our informant,

as the calling of this synod is wholly in the Crown, so there is little need of it, since the King's Supremacy is so large, that He needs not their concurrence, to adde their Authority to anything that He shall think fit to doe about Church affairs.

¹⁰⁸ Middleton, *Appendix &c.*

It may be at first matter of surprise that Scotland should so completely have succumbed. All that the popular party could do was to suffer. Only on rare occasions could they take the field. Suffering or fighting, they never yielded. But the dearth of constitutional life is not inexplicable. Had the Restoration occurred ten years earlier, it would have been otherwise. The Commonwealth had blotted out the recollection of the years which preceded it, and prepared the way for the years that followed it. Bishop Burnet's remark, that the root of the trouble lay in the king's 'entering in without condition,' was true, at all events, for the historian's own country. Moreover, we must not forget the state of the country. The long-continued struggle had brought desolation where before the union of the crowns there was prosperity. In Glasgow, in 1692, 'near fyve hundredth houses [were] standing waste.' The harbour of Ayr was ruinous. The High Street of Dumfries contained scarcely a habitable house.¹⁰⁹ Trade and commerce had declined. The short interval of freedom of trade had but served to intensify the pressure of the Navigation Act. Scotsmen boasted of their 'conquest' of England in 1603. England had but given their kings the power to oppress them.

A free parliament met again in 1689. The absence of any strict constitutional feeling led, as so often before, to the assumption of a much more advanced position than that of the English parliament. Nothing is more characteristic of the slowly broadening growth of English parliamentary claims than the delicate adjustment of conflicting theories by the Convention. In Scotland, no such nice adjustment was possible. The proceedings are marked rather by a rude logic. The Estates enumerated the misdeeds of the unfortunate monarch in language distinguished from that of the Claim of Rights only by its strength.¹¹⁰ The details are not important for our purpose. There is no appeal to precedent, nor any nicety of phrasing. James, having been guilty of this catalogue of crimes, had 'forfaulted the right to the Crown, and the throne is become vacant.' The underlying theory is sufficiently clear, but it was based on the logic of events. It was probably an effect of the English connexion that the Estates went further than usual, and laid down two general principles. All the acts that they had enumerated were illegal. No papist might be king or queen of Scotland. With these conditions, and one other

¹⁰⁹ *Report on the State and Condition of the Burghs of Scotland, 1692* (Miscellany of the Scottish Burgh Record Soc.)

¹¹⁰ The main heads of James's delinquencies were: (1) erecting schools and societies of Jesuits, &c.; (2) making papists great officers of state; (3) enforcing oaths contrary to law; (4) taxation and the maintenance of a standing army without consent of parliament; (5) the employment of military officers as judges; (6) exorbitant fines; (7) illegal imprisonment; (8) forfeitures by obsolete laws; (9) subversion of rights of royal burghs; (10) interference with justice.

limitation, they proceeded to offer the crown to William and Mary and to entail it, in default of their heirs, upon the Princess Anne. That other clause expressed a claim which, for the people of Scotland, included civil liberties, and had been throughout the troubles synonymous with freedom. The Estates declared that 'prelacy is a great and insupportable grievance to the nation.' A 'Covenanted King' it was impossible to hope for, nor is there evidence that they desired to repeat the experiment. But the new sovereigns must understand the situation. When the acceptance of William and Mary converted, without any further change, the Convention into a Parliament, the Estates set themselves to solving the religious problem. They rescinded the Act of Charles II asserting 'his majestie's supremacy over all persons and in all causes ecclesiastical' as 'inconsistent with the establishment of Church Government now desired.' They restored the presbyterian clergy to their churches and manses. They approved the Westminster Confession of Faith—the sole product of those efforts towards a covenanted uniformity which had led the church into somewhat devious paths—and they established church government 'by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies.' The more rigid presbyterians were disappointed. It was not so emphatic a settlement as they desired. Independent as the Establishment was, it seemed Erastian to men whose only associations with the functions of government had been connected with Grierson of Lagg and Bloody Mackenzie. King William insisted upon the extension of a toleration to episcopalian dissenters in Scotland which, as the church more than once complained, was lacking in the treatment of presbyterian dissenters in England. The Revolution settlement, therefore, was not accepted by the whole of the popular party, and the Jacobites were reinforced by ousted episcopalians on the one hand, and presbyterian malcontents on the other. But the compromise of 1690 satisfied the majority of the nation. The credit of the arrangement belongs neither to the parliament nor to the king, but to the wise statesman who presided over the University of Edinburgh. The English Revolution of 1689 was in its origin religious, but it early assumed the aspect of a purely civil movement. The Revolution in Scotland suggests to-day only the church settlement, and the course it took was decided by William Carstairs.

The parliament of 1690 proceeded to assert its own freedom of action. Henceforward, till the treaty of union took effect, we have parliamentary independence in Scotland,¹¹¹ so far as purely

¹¹¹ In spite of the irritating interferences which provoked the indignant rhetoric of Fletcher of Saltoun, and these had reference mainly to peace and war, the maintenance of an army, and places and pensions.

internal affairs were concerned. After William's death we find still wider claims. The events of William's reign had not been such as to draw England and Scotland nearer each other, or to reconcile the parliament to the limitation of its sphere of influence to internal administration. King William had been responsible for the massacre of Glencoe; he had forced Scotland to expend large sums upon a war in which, after the battle of Killiecrankie, she took no interest. The parliament of England had urged the king to an interference with the Darien scheme, which could not be regarded in Scotland as other than a betrayal. The Scottish Estates had not responded to the Act of Settlement in 1700; and when Queen Anne succeeded, the attitude of the two countries was becoming increasingly threatening. England regarded any advance of Scottish prosperity as a success gained at her own cost. Scotland feared that the country was to be permanently under foreign influence. The rapid growth of a constitutional feeling since 1690 aided the circumstances of the time in the production of parliamentary parties, a unique event in Scottish history. The meeting of Estates in 1703 contained Williamites, Patriots, and Cavaliers.¹¹² The first of these supported the government of king William and his successor as, at all events, the least of the many possible evils. The Cavaliers clamoured for the return of the exiled House. The Patriot or 'Country' party, headed by Hamilton, Tweeddale, and Fletcher of Saltoun, argued that, if foreign domination were to continue, it made but little difference whether it emanated from St. Germain's or from the Court of St. James's. A combination of Cavaliers and Patriots passed the Act of Security. This famous Act named no successor to Queen Anne. It invested the parliament with the power of the Crown, in case of the queen's dying without heirs, and entrusted to it the choice of a protestant sovereign 'from the Royal line.' It refused to such king or queen, if also sovereign of England, the power of peace and war, without consent of parliament. It enacted, further, that the union of the crowns should determine, unless Scotland was admitted to equal trade and navigation privileges with England. Nor was there lacking the intention to make good the threat. The same Act provided for the compulsory training of every Scotsman to bear arms. The Scottish parliament debated each clause with vigour. The Estates recognised that now, if scarcely ever before, momentous issues hung upon their decision, and the walls of the Parliament House re-echoed with the unwonted excitement of party cries. The royal commissioner declined to give the queen's assent. The parliament refused to grant supplies, and the meeting broke up amid confused shouts of 'Liberty before

¹¹² Party names now appear for the first time in strictly parliamentary history. The Resolutioners and Protesters of 1649 were religious divisions.

subsidy.' The bitterness of the struggle was increased by a silly dispute about the Jacobite plot, and the temper of the two nations was strained to the utmost.

The union of the crowns had been rendered possible only by the self-restraint which permitted the people of England to accept a Scotsman as the king. A similar spirit of self-restraint now actuated Queen Anne's advisers. The queen assented to the Act of Security, and the Scots began to train for a war that was not to be fought by the sword. The English ministers proposed a union of the kingdoms. Fortunately, they recognised that Scotland was in earnest, and expressed their willingness to yield somewhat on the main point—freedom of trade. Into the long and dreary negotiations which preceded the union we need not enter. Amid jealousy, faction, and evils still more sordid, the treaty of union was concluded. The agreement secured to Scotland the maintenance of her law and the continued existence of her universities, and it guaranteed that there would be no interference with the church as by law established. On the other hand, the kingdom surrendered her national existence, and was forced to be content with a miserably inadequate representation in the English parliament. It is little wonder that the people in general, and especially the populace of Edinburgh, regarded the treaty with horror and looked upon its supporters as traitors. Amid riot and uproar, and with howls of execration sounding in their ears, the Estates of Scotland met for the last time on 25 March 1707, under the presidency of the lord chancellor, the earl of Seafield. Among some of the senators themselves there was an uneasy feeling that they had sold their country for trade privileges which the givers would strain every nerve to render worthless. Others were more callous. 'There's the end o' an auld sang,' laughed the chancellor, as the Honours of Scotland were carried out of the Parliament House for the last time.

There is a touch of pathos in this final scene. To us it can appear sad only with the sadness of changefulness. But the faces of contemporaries were turned backwards. The three Estates had survived many revolutions. It was true that their history did not represent the best of the nation's life; but with that best it had ever been more or less closely associated. In recent years the parliament had come to mean national existence. It had entered into a new sphere, and assumed new functions. A career of usefulness seemed to lie before it. In spite of its age, its end was, in this sense, premature. The conditions, too, were ignominious. The accumulated hatred of four hundred years had attached itself to the names of Darien and Glencoe. England had yielded much less than a free and independent nation had a right to ask, and

Scotland could not demand more, because the men whom she trusted had failed her.

No doubt the chancellor was right. It was 'the end o' an auld sang.' But, after all, the Estates had received 'the wages of going on, and still to be.' It did not appear so at the first. The parliament of Great Britain broke more than one pledge solemnly made at the union. The highest boon that King James or Prince Charles could promise to Scotland was the repeal of the union. The Scottish representatives had little weight in the councils of the empire. Even the faithful Argyll was thwarted, and his service lightly esteemed. The best blood of the country was spilt on foreign battlefields and in alien quarrels. The genius of Keith served only to lead to victory the troops of Frederick the Great, and to guide the steps of Russia towards Constantinople. Among the exiles there were others, less fortunate, who found no scope for their talents and no friends in the land of the stranger. But, as time passed, the tragic element faded out of the story, and, with the rapid growth of prosperity, the influence of Scotland on the destinies of the nation became more apparent. The land of Kennedy and Elphinstone, of Lethington and Carstares, could not fail to produce wise and prudent statesmen, who might find, on a wider stage, the renown that had been denied to those who went before them. The music of the 'auld sang' resounded again, although the walls that re-echoed it were those of Westminster. The imperial parliament meets close to the ancient abbey, the guardian of the stone of fate, which the first Edward carried in triumph from Scotland, and on which, for nigh three hundred years, descendant after descendant of his enemy has sat. As the old prophecy has not been rendered void by the transference of its subject from Scone to London, so the promise that gave meaning to the last years of the Scottish parliament has not failed of fulfilment. *Nec tamen consumebatur.*

ROBERT S. RAIT.

The Regulation of Wages in the Sixteenth Century

LACK of continuity in the attempts made by the justices of the peace to regulate wages under the Statute of Apprentices has led to the more or less commonly accepted view that such attempts were intermittent and irregular, and that only under the pressure of special circumstances at special moments were assessments made. Although, as Mr. Hewins points out, in dealing with known assessments 'it would be unsafe to assume that wages were also regulated in other counties for which no assessments can be found,'¹ it would be equally unsafe to maintain the converse position and to assume that wages were not regulated in particular districts or during certain years, because no assessments are forthcoming. If they were issued with any regularity, the disappearance of documents would seem almost as natural as their survival, as in this case their value can only have been ephemeral.² A good many assessments have not been edited directly from quarter sessions records, a source to which we might, at first sight, be tempted to limit our search for them, since it was by the justices, in their general sessions next after Easter, that the rates of wages were discussed and fixed.³ Gaps in our evidence from this side may be due to the following cause. Until 1598⁴ the rates assessed in the Easter sessions were not authoritative until, engrossed on parchment, they had been certified into the court of chancery and the privy council had given instructions that ten or twelve printed⁵ copies of proclamations containing the rates should be sent into the counties for publication by the sheriffs or other officials in the towns. Although the statute provided that the proclamations should be 'entredd of recorde' by the clerk of the peace or the clerk of the city or town corporate, it did not necessarily follow that quarter sessions books would be used. It may, indeed, be

¹ *Econ. Journal*, viii. 344.

² This view is maintained by Thorold Rogers, *Hist. of Agric. and Prices*, v. 616.

³ 5 Eliz. c. 4.

⁴ 39 Eliz. c. 12.

⁵ It would be interesting to know how far contemporary printed assessments have been used by later writers. They must have been fairly numerous.

doubted whether assessments were copied with any regularity into any book, though this was sometimes done; probably the clerk more commonly contented himself with keeping a written or printed copy, and this might easily be mislaid or lost in later times. This view, if tenable, would account not only for the loss of some assessments but also for the discovery of others in unexpected places; it would be in accordance with the changes introduced when the notification of rates to the central authority ceased to be essential in 1598. Henceforth, after the rates set by the justices had been engrossed on parchment and sealed, the sheriff, or proper town authority, was to proclaim them in convenient places, 'as yf the same had bene sent downe printed by the Lorde Chancellor;'⁶ and 'the said rates ingrossed in parchment and sealed as aforesaid, shall . . . be kept by the Custos Rotulorum . . . amongst the recordes in his custody . . . & in any City or Towne Corporate amongst the recordes of the said city . . .'⁷ We hear no more of printed copies; the authoritative document which the clerk had to preserve was one signed, sealed, and engrossed on parchment, and the clerk was under no obligation to copy out the long schedule into the sessions books, either at the time of assessment or later, though it may sometimes have been done. Some confirmation of this view may be derived from the Middlesex sessions of the peace registers. Year after year the fact that the justices took steps is entered on the minutes, but without any mention of the actual rates. Quarter sessions registers and order books will not, I believe, add much to the list of complete assessments, although they may occasionally show that action was taken, both in fixing rates and in enforcing the law against those who disregarded them. Additions will more probably be made by the discovery of documents scattered among miscellaneous records, and casual references to assessments may indicate that regulation sometimes took place when no further evidence has survived.

The increase of information on this subject within the last few years has been considerable. Thorold Rogers printed copies of twelve assessments, which seemed to him a sufficient number upon which to base generalisations as to the operation of the wages clauses of 5 Eliz. c. 4.⁸ Mr. Hewins knows of forty-seven assessments, and from incidental mention of others 'it is certain,' he says, 'that wages were fixed by the justices on not less than fifty occasions.'⁹ But even with this larger number he concludes that 'there was no systematic and continuous attempt to enforce the wages clauses.' Mr. Hewins draws his forty-seven assess-

⁶ 39 Eliz. c. 12.

⁷ This act was renewed in similar terms by 1 Jac. I, c. 6.

⁸ *Hist. of Agric. and Prices*, v. 616, refers to eleven; vol. iv. 120 adds another.

⁹ *Econ. Journ.* viii. 344.

ments from twenty counties and cities: forty-one of these are distributed over seven groups of years, each divided by periods of varying length, for which no documents are forthcoming. It seems, however, clear that for a good many more than fifty occasions definite evidence is available, and the suggestions made above may receive some confirmation. To Mr. Hewins's list of twenty cities and counties, for which assessments are known to have been made, may be added Norfolk,¹⁰ Norwich,¹¹ Lincoln,¹² and Middlesex.¹³

The period from 1568 to 1590 inclusive forms a long and continuous gap between the first two groups of assessments¹⁴ in Mr. Hewins's scheme of classification, and one which, if it really existed, would be a strong argument against systematic regulation during the sixteenth century. But this gap can to a great extent be filled, partly by the detailed history of regulation in the most important city in England,¹⁵ partly by evidence drawn from the register of the privy council. The latter illustrates the ill-advisedness of arguing from the absence of information in quarters where it might reasonably be expected. If the sanction of the privy council was until 1598 a necessary preliminary to any authoritative issue of rates of wages, might we not expect to find some trace of it in the minutes of all the years for which we have other evidence of regulation? Such, however, is not the case. Down to 1590 inclusive the matter is only mentioned under seven years; for six of these no assessments have, until now,¹⁶ been found. On the other hand evidence of regulation within the same limit of time is available from other sources for several years during which the register is silent.¹⁷ For four years between 1591 and 1596 we have, however, the testimony of the register as well as complete assessments. As the action of the central authority in this matter of regulation during the sixteenth century has not, so far as I know, been examined, it may be helpful to summarise such material as is available in the register. Thus under 1565,¹⁸ after some account of 5 Eliz. c. 4, the following entry is found:—

¹⁰ ENGLISH HISTORICAL REVIEW, xiii. 522.

¹¹ *Ibid.* p. 91, referring to *State Papers, Dom.*, Chas. I, vol. 176, no. 1, 1 Dec. 1630.

¹² *Hist. MSS. Comm.* xiv. app. viii. p. 55.

¹³ Sessions of the peace registers (Middlesex), preserved at the Guildhall.

¹⁴ One, 1568-7; the other, 1591-6, *Econ. Journ.* viii. 344.

¹⁵ For twenty-one years between 1568 and 1590.

¹⁶ As I shall show below, there are several for London.

¹⁷ It must, however, be remembered that there are considerable gaps in the register. It is imperfect for the period 1562-7, and is said to be derived from 'an assemblage of scraps of records,' *Acts of Privy Council*, N.S. vii. vii; from May 1567 to May 1570 the record is missing, *ibid.* viii; a further gap occurs from June 1582 to Feb. 1583, *ibid.* xiv. vii.

¹⁸ *Ibid.* xiv. vii. p. 230. The entry is undated, but there is ground for believing that it should be 15 July (*ibid.* viii.)

This daye the Lorde Keper of the Grete Seale shewed unto their Lordshippes suche certificattes as he hathe receved in this matter, which his Lordship was by their Lordshippes desired to cause to be imprinted and sent abrode, according to the tenor of the saide Acte.

On 14 July 1578¹⁹ a note is made of a 'letter to the Lord Keper for the contynuance of the Commission for the Rating of Servantes Wages, according to the yerelie order;' and on 17 July 1581,²⁰ of

A letter to the Lord Chauncelour of Englande that wheras the bearer herof hath brought unto their Lordships the severall rates and taxacions of servauntes and labourers' wages, which hath been sent unto his Lordship from the Justices of Peace and other principall officers of the shires, cities and towns of the Realme, accordinge to the Statute provided in that behalf: forasmuch as it semeth therby that some of them have chaunged the rates they appointed the last yere, his Lordship is required to geve order that the same be imprinted for the yeare followinge, as by the Statute is appointed and as his Lordship hath used in like cases.

So too under 17 July 1586.²¹

A letter to the Lord Chauncelor to give order that the rates sent unto him from the Justices, &c, of the shires of this Realme for the taxacions of labourers and servantes wages according to the Statute, maie be imprinted for the yere following &c.

Under 14 July 1588²² an entry is made in terms almost identical with those used in 1581, while under 19 July 1589 the minute merely mentions 'a letter to the Lord Chauncellour for rating of servantes wages.'²³ On 25 July 1590 a similar letter ordered the printing of the rates.²⁴ By the courtesy of the secretary to the council I have been allowed to examine the register for the remainder of the period during which the sanction of the council was legally required.²⁵ In 1591,²⁶ 1592,²⁷ 1593,²⁸ the minutes show that letters were despatched in accordance with the statute. There is then a gap in the register, extending from 26 Aug. 1593 to 1 Oct. 1595, so that evidence from this quarter is necessarily lacking for 1594 and 1595.²⁹ In July 1596³⁰ the usual letter 'for rating of seruantes wages & causing the same to be imprinted' was written, probably for the last time, as I can find no entry under 1597, at the close of which year the necessity for reference to the council was removed.

Taking these various cases we may, I think, conclude that the council acted in accordance with the statute; during the years immediately preceding 1597 its action would seem to have been regular, while, as I shall hope to show, there is also evidence

¹⁹ *Acts of P. C. N.S.* x. 287.

²⁰ *Ibid.* xiii. 132.

²¹ *Ibid.* xiv. 187.

²² *Ibid.* xvi. 168.

²³ *Ibid.* xvii. 411.

²⁴ *Ibid.* xix. 335.

²⁵ This portion is being prepared for the press.

²⁶ *P. C. Reg.* ix. f. 424.

²⁷ *Ibid.* x. f. 500.

²⁸ *Ibid.* xi. f. 503.

²⁹ There are assessments elsewhere for Chester, 1594, Devonshire, 1594, and Lancaster, 1595.

³⁰ *P. C. Reg.* xii. f. 337.

of its activity during some years passed over in the register. The whole would seem to indicate that the central authority in no way shirked its duty in the matter of regulation of wages.

But though gaps can be filled up here and there by adding years during which assessments must have been made, or isolated instances be adduced of counties and cities which so far have not figured on any list, we feel that continuity of action in a single county or city would be a stronger argument in favour of systematic regulation than many scattered instances drawn from different parts of the country and covering different years. Since, for reasons already indicated, it seems unlikely that we shall get decisive proof of continuous attempts throughout the country in either the sixteenth or seventeenth century, any evidence available on this side may be of interest. I venture, therefore, to sketch in some detail the history of the regulation of wages in London during the sixteenth century, as gathered from the repertories, journals, and letter books preserved among the archives of the corporation of the city of London.³¹ The material available from this source covers to a great extent the period 1568–1590, for which, as indicated above, information has been lacking; it proves from another side that, though the clerk may often have omitted to record the fact on the minutes, the privy council must have acted more frequently than the register would lead us to suppose, while for various years it confirms such evidence as the register affords. It is of some importance not only as an instance, as yet unique, of a systematic attempt in one centre to execute the Elizabethan act during the greater part of Elizabeth's reign, but it also comes from a city³² which, although the most important and most highly privileged in the kingdom, clearly neither enjoyed nor claimed any exemption from the ordinary law of the realm in this matter. And to many the evidence may seem less valuable in connexion with systematic regulation than in its bearing on the remuneration of labour by the great companies and the minor crafts.

From the beginning of the sixteenth century the city authorities show their intention to execute existing law with reference to wages. In 1514 maximum wages were fixed by statute,³³ and almost

³¹ To this body I am much indebted for permission to work in the Record Office, and also to Dr. Reginald Sharpe for kindly help.

³² Thorold Rogers held that the assessment system could not be extended to London, and concluded that the best workmen eagerly sought free conditions of labour (*Hist. of Agric. and Prices*, v. 629). But Professor Hewins points out that 'there is more information with regard to London than other parts of the country' (*Econ. Journ.* viii. 345). As it is clear from his article that this opinion is based upon evidence which does not altogether cover, and is possibly quite outside, the period with which I am mainly dealing, the case for continuous regulation is probably stronger than can be shown in this paper. His material may, however, refer to Middlesex, where regulation was certainly known during the Stuart period.

³³ 6 Hen. VIII, c. 3.

immediately the aldermen were enjoined³⁴ to call artificers of all sorts before them, and to find out from them what servants and apprentices and labourers they had working with them, and what wages were given by the masters ;

And further that ye do geve them & euery of theym straitly in commandment on our said soueraigne lordes behalfe that they & euery of theym geve ne take more nor greater wages then in the last statute of our said soueraigne lord the vjth yere of his Reigne is lymyted vppon the payne sessed as well to the Taker as to the gever as in the said statute more plainly appereth.

The aldermen were to report on the steps taken, so that the common council might report to the privy council.

In the following year artificers connected chiefly with the building trades were, as the result of a petition, permitted³⁵ to take the wages customary before 6 Hen. VIII, c. 3, for work done in London outside the king's service. That this exemption did not necessarily imply freedom of contract may be inferred from the action of the common council a few years later. In December 1521 a committee was appointed consisting of members of various companies to examine the work of the 'carpenters, tilers, plasterers, and pavyers, and also to assesse their wages according to their deservyng.'³⁶ Later in Henry's reign (1538) an ordinance of the common council regulated the hours of work³⁷ for 'almaner of Carpenters, masons, joyners, tylers, plasterers, Bricklayers, gardeners laborers and all other Handcrafty men' working by the day, and ordaining also that they should receive no more than 7*d.* a day in winter, and 8*d.* in summer. Gardeners and labourers, while bound in other respects by the ordinance, were assigned a maximum wage of 5*d.* a day. The ordinance contains instructions for the better making of bricks, and a regulation fixing the wages of apprentices, which throws light on the 'custom of London' in this matter.

Item yt ys enactyd . . . that none of the said craftesmen or others Aforesayd shall take any other wages by day or otherwyse for any of theyre apprentices duryng the fyrst ij yerres of Apprenticshod of theyre sayd Apprentice but onely as laborers do & haue usually takyn & not to take as a Craftesman or Journeyman And that after any apprentyee of any suche craftesman afore remembred hath serued ij yerres of hys Apprenticshod that than the maister of such Apprentice to take onely suche Wages for suche Apprentices as shal be admytted & appoynted by the Chamberlayn.³⁸

³⁴ Jor. 11, f. 221 b.

³⁵ 7 Hen. VIII, c. 5. Then, as now, the cost of living in London was high; the petition was granted 'in consideration of the great charges of their house rent their vytale' & other charges, 'which charges be more there then in any other place wythyn this realme.'

³⁶ 7 Dec. 13 Hen. VIII; Jor. 12, f. 154 b.

³⁷ 29 Aug. 30 Hen. VIII; Jor. 14, ff. 100, 100 b; Letter Book P, f. 164 b.

³⁸ There would thus seem to be some warrant for considering the authority of the

When we reach the Elizabethan period there is ample evidence to show that the wages clauses of the Statute of Apprentices applied to London, and that the authorities took steps frequently and for a considerable number of years to ensure their execution. The city archives contain copies of proclamations, certificates, assessments, notices of meetings showing that during at least twenty-one out of the first twenty-eight years after the passing of the act action was taken in accordance with the law.³⁹ Afterwards the direct evidence, so far as it can be traced in these records, becomes scanty, although much may still lie buried among the uncalendared treasures of the strong-room. The amount, rather than the lack, of information is surprising when we consider the character of the various records from which it is drawn. All the assessments are entered in the journals, and several of them are also copied into the letter books. Now the journals were the record of the court of common council, a body which as such had nothing to do with the assessment of wages; the letter books contain miscellaneous matter copied apparently from the journals and other sources. Information about meetings to fix wages is drawn from the repertories, the record of the court of aldermen, a body which as such had nothing to do with the assessment of wages. Since, however, those aldermen also acted as justices, they may occasionally have found it convenient to make arrangements for work and even to transact business in that capacity, while actually sitting *qua* aldermen, and the clerk may then have entered the fact on the minutes. The irregularity may have been as occasional as is the mention of it in the repertories.

1563. The Statute of Apprentices was passed in January 1563, and on 2 July⁴⁰ 'it was agreed that my lord mayor & all the residue of the justices of the peace of this cyty shall vpon Tuesday nexte in the afternoone meete here for the stallynge & ratynge of the wages of artyficers & laborers according to the Acte,' &c. As we should expect, no mention of the meeting on the following Tuesday is to be found, nor is any assessment entered in the journals or letter books; but that action was taken is clear from the evidence of the following year.

1564. The repertory tells us that on 10 May⁴¹

chamberlain in this matter to be part of the old custom, and not 'the result of an act of the common council, March 1889,' as stated by Austin, *Law relating to Apprentices*, p. 112.

³⁹ Eleven complete assessments, in addition to four certificates authorising earlier rates, two proclamations without rates, a reference in a later to an earlier assessment, three meetings or arrangements for meetings, are found during twenty-one years, as well as evidence from more than one side for several of those years.

⁴⁰ Rep. 15, f. 258.

⁴¹ *Ibid.* f. 339. It would seem that the assessment was actually made in the court of aldermen on this and one or two other occasions.

the rates of artyfycers servauntes & laborers wages taxed y^e last yere accordinge to the statute &c within y^e cytye of London were this daye ratyfyed confirmed & alowed by y^e lorde mayre & y^e rest of y^e Justices of y^e peace within this cytye to remayne stande & be observid for y^e yere insuynge . . . , savynge onelye y^t yt is orderyd y^t y^e forman of y^e Dyers & y^e wardeman of y^e same company shall have ix^{li} a pece & thother Dyers beinge servauntes & good workemen shall have vi^{li} xiiij s. iiij d. as y^t was ratydy the laste yere.

What the rates thus renewed had been we learn from the journal and letter book.⁴² Between the entries for 30 May and 1 June, 6 Eliz., during the mayoralty of White,⁴³ is a copy of a royal proclamation stating that one certificate had been received from the city, and authorising the observance of the rates therein fixed. It incorporates the certificate, clearly a copy of that drawn up in the previous year, for Sir Thomas Lodge⁴⁴ heads the list of justices, and incidentally mention is made of 'this presente fiveth yere of . . . reigne.' The change in the wages of the foreman and wardeman of the dyers mentioned in the repertory were, moreover, not embodied in the certificate. There is no doubt that we have here a complete assessment as drawn up in 1563, and one which was followed without change for some years, although reference is commonly made to it as renewed in 1564 (6 Eliz.) and 1565 (7 Eliz.)

1565. On 15 May⁴⁵ the justices agreed 'that the lyke certyfyccatt . . . shalbe made this yere into the Chauncery as was there made the laste yere.' And a copy of this certificate in the journals⁴⁶ shows that the rates fixed for the sixth year were to be observed for another whole year.

1566. A certificate in the journals⁴⁷ states that the justices advised the adoption of the rates fixed by them in the seventh year.

1567.

1568. A copy of the certificate⁴⁸ dated 6 July 1568 continued the rates as allowed in the seventh year (1565).

1569. From the evidence extant for 1570 it is clear that wages were fixed in 1569 according to the rates of 1565.

1570. The repertory under date of 29 April⁴⁹ states that 'at this court yt was agreed that the certificates for servauntes wages this yere shalbe made owt . . . at the same rates, & by the like president as William Dalby⁵⁰ did the same then Rowe mayor.'⁵¹

⁴² Jor. 18, f. 157 b *sqq.*; Letter Book T, ff. 219, 237.

⁴³ White was lord mayor in 1564.

⁴⁴ Sir Thomas Lodge was lord mayor in 1563.

⁴⁵ Rep. 15, f. 440.

⁴⁶ Jor. 18, f. 332.

⁴⁷ Jor. 18, f. 403 b.

⁴⁸ *Ibid.* 19, f. 112; Letter Book V, f. 177 b.

⁴⁹ Rep. 17, f. 2.

⁵⁰ Dalby is elsewhere referred to as 'another of my lord maiors clerks' (Rep. 16, f. 473).

⁵¹ Rowe was lord mayor in 1569.

An identical entry occurs in the letter book,⁵² which adds under 30 April⁵³ a copy of the certificate, certifying that the rates fixed in 7 Eliz. seemed suitable for the ensuing year.

1571. On 8 May⁵⁴ order was given that the lord mayor and justices should meet on the following Friday afternoon to consider wages. As the court of aldermen did not meet on Friday, 11 May, there is no evidence of what the aldermen in their capacity as justices did or did not do on that date, and I have been unable to trace any proof of their action.

1572.

1573. Copies of the certificate for this year to which a complete schedule of wages was attached are found in the journals⁵⁵ and the letter book. The rates fixed in 1573 contain slight variations in certain occupations on those previously sanctioned, and make it evident that the whole matter was carefully considered. That there was some discontent among the workers at this time, which may have led to changes, may not unreasonably be inferred from a significant order made in the court of aldermen in this same year.⁵⁶

Item it is ordered that vpon complaynt hereafter to be made to any lord maior by any persone or persones that cannot get ainny laboringe man of any occupaçon what so euer that will worke for suche wage as is appoynted and sessed by my lord maior . . . then my lord maior shall at his pleasor appoynt suche forrens as shall pleas his lordshippe: And to punyshe the offenders.

1574. On 22 April⁵⁷ a meeting to consider rates was fixed for the following Saturday. We may assume that the meeting either did not take place or was adjourned, for a further order on 4 May⁵⁸ fixes a later date for the same purpose.

1575.

1576. Copies of the proclamation and certificate, to which a complete schedule of rates is affixed, are entered in the journals and the letter book.⁵⁹

1577.

1578. For this year we have evidence from several sides showing the working of the system. Order was given for the justices to appear on a certain day—30 April—for taxation of wages.⁶⁰ A writ authorising proclamation of wages, and dated 28 July, has the

⁵² Letter Book V, f. 290.

⁵³ *Ibid.* f. 290 b.

⁵⁴ Rep. 17, f. 146.

⁵⁵ Jor. 20, no. 1, ff. 48, 48 b; Letter Book X, f. 215. The certificate is undated, but is copied among April entries in the journal.

⁵⁶ Rep. 18, f. 9, 29 April.

⁵⁷ Rep. 18, f. 194. The justices are referred to as 'and others my m^r thaldermen of the gray cloke.'

⁵⁸ *Ibid.* f. 202 b.

⁵⁹ Jor. 20, no. 2, f. 293 b *et seq.*; Letter Book Y, f. 91 *sqq.*

⁶⁰ Rep. 19, f. 320 b.

proclamation attached, and this, as usual, includes the certificate which gives a full list of wages and bears the date of 1 June.⁶¹

1579.

1580. A copy of the writ (dated 5 August) is followed by proclamation, certificate, and exhaustive assessment (dated 20 June) in the usual form.⁶²

1581, 1582.

1583. For this year the journals⁶³ contain the greater part of a proclamation stating that the rates hereinafter set shall be kept. These are, however, not given, but another hand has added at the close of the entry, '*Resid' inde patet in isto libro fol. 62, 63,*' a reference to the assessment of 1580. May we infer that the clerk thought it unnecessary to repeat in detail rates which were probably identical with those of the earlier year?⁶⁴

1584,⁶⁵ 1585.⁶⁶ For these years we have copies of the proclamation and complete assessments appended to the certificates.

1586,⁶⁷ 1587,⁶⁸ 1588,⁶⁹ 1589.⁷⁰ The evidence during each of these years is even more complete, and includes writs, proclamations, and certificates which contain exhaustive schedules.

1590.⁷¹ For this year an entry was made of the writ authorising a proclamation which provides that the rates of the previous year should be observed. From this time onwards scanty reference is made in these records to the regulation of wages. Thus in 1596⁷² a committee was appointed by the court of aldermen to inquire into matters connected with 5 Eliz. c. 4, and to report thereon. The report does not appear in the repertory, and it is, therefore, impossible to determine whether wages were considered.

After the revival of the Elizabethan statute by James I⁷³ there occurs an order in 1607 for the meeting of the justices to rate wages.⁷⁴ It contains a sentence not found in similar orders of an earlier date, which is worth quoting as an indication of existing custom: ⁷⁵ 'and that the wardens of the Companies of such Artificers within this Cittye as are within the meaning of that statute shalbe warned to be there present before the sayd justices.' So far as I have been able to ascertain by personal

⁶¹ Jor. 20, no. 2, f. 424 sqq.; Letter Book Y, f. 244 b sqq.

⁶² Jor. 21, f. 62 sqq.; Letter Book Z, f. 81 b, sqq.

⁶³ Jor. 21, f. 304.

⁶⁴ A comparison between the successive assessments of this decade shows very slight changes in a very small number of occupations.

⁶⁵ Jor. 21, f. 372 sqq.; Letter Book Z, 388, 389 b.

⁶⁶ Jor. 21, f. 462 sqq.

⁶⁷ *Ibid.* 22, f. 49 sqq.

⁶⁸ *Ibid.* 22, f. 118 sqq.

⁶⁹ *Ibid.* f. 197 sqq.

⁷⁰ *Ibid.* f. 310 sqq.; Letter Book, &c., f. 285 sqq.

⁷¹ Jor. 22, f. 410.

⁷² 1 Jac. I, c. 6.

⁷⁴ Rep. 28, f. 11.

⁷⁵ 5 Eliz. c. 4 definitely enacts that consultation with persons possessing local knowledge should take place.

search⁷⁶ there seems to be no further entry until 1655.⁷⁷ On 3 April the court of aldermen ordered that certain of their body 'doe on Thursday next in the after noone & from tyme to tyme as they see fitt meete and consider of rates fitt to be sett for Labourers and servants wages Soe that the same may be ready to be presented and settled at the next Quarter Session according to the statute in this behalfe and Miles Burrowes to warne and attend them.' As is well known the act⁷⁸ for rebuilding the City of London after the great fire provides that 'in case of combination or exaction of unreasonable wages' the justices of the court of King's Bench, upon complaint of the lord mayor and the court of aldermen, might assess wages of labourers. Those connected with building operations are specially mentioned. These few stray scraps of evidence form an insufficient basis for a definite opinion as to the practice of the seventeenth century. As far as they go they indicate that regulation as laid down by the Elizabethan act was attempted as late as 1655, and that under exceptional circumstances it could be resorted to as late as 1666. In the county of Middlesex, a district which touches the city limits at various points, the justices certainly acted in accordance with the statute during the Stuart period. The sessions of the peace registers⁷⁹ show that steps were taken during many consecutive years, although no schedule of rates is entered. It is difficult to suppose that the regular practice of the city in the sixteenth century should suddenly have ceased, while it was usual in the adjoining county many years afterwards. It is more likely that record of the assessments was kept in some other set of documents, if indeed it was kept at all.

Whatever may be the result of further investigation of seventeenth-century records, there can, I think, be no doubt that during the greater part of the Elizabethan period the assessment of wages formed part of the regular routine work of the justices within the city of London. And if assessment was regular and continuous in this highly privileged centre, what is likely to have been the case in other districts? If the system was burdensome, are they likely to have escaped when the city of London suffered? If it was advantageous, would they not endeavour to follow in this, as in so many other respects, the custom of the city—a custom which in this matter was based upon a general law to which they too were subject?

ELLEN AL MCARTHUR.

⁷⁶ The time at my disposal being limited, I merely followed the indexes for the seventeenth century; this seemed a fairly safe course after somewhat detailed examination of the sixteenth-century records, which are undoubtedly indexed with great fulness and care.

⁷⁷ Rep. 63, f. 315.

⁷⁸ 18 & 19 Car. II, c. 8.

⁷⁹ The Middlesex sessions of the peace registers begin in 1610.

Humanism under Francis I

IN the year 1514 Guillaume Budé published the 'De Asse,' his first important work; in the year 1547 Adrien Turnebus, known to scholars as Turnebus, was appointed a royal professor of Greek at Paris. These two dates, which almost exactly coincide with the beginning and the end of the reign of Francis I (1515-1547), serve to mark off that reign as a distinct epoch in the history of French humanism. Budé was a man of great learning; Turnèbe was a critical scholar. So were Henri Estienne, Lambin, and Daurat, while Vatable and Toussain, who died on the same day in 1547, were of the same type as Budé. It is this difference which distinguishes the reign of Francis I from the succeeding period, the golden age of French scholarship, which may be said to have lasted from 1547 to 1572. The humanists of the later period were specialists; devoted to some single branch of humanistic study, history or jurisprudence, or the critical construction of classical texts. The men of the reign of Francis I aspired to nothing less than the whole domain of classical learning. Rabelais was a storehouse of erudition; Postel, Du Chastel, and many others were his equals, if not his superiors, in the extent and variety of their attainments. Fernel, the great medical writer, was at one time an ardent student of mathematics and astronomy; his colleague Sylvius was the first Frenchman to publish a grammar of his native language; Peletier was a physician, a mathematician, a spelling reformer, and a poet. But whatever the branches of learning in which these ardent spirits won distinction, they nearly all built upon the same foundation, the knowledge of Greek. It is this which makes Budé, the 'restorer of Greek studies in France,' the dominant name of this period of humanism.¹

He was born in 1467, a year after his friend and rival

¹ *G. Budæi vita* (see *Lodovicum Regium* (Louis le Roy), Paris, 1549 (a panegyric rather than a biography); Rebitté, *G. Budé, restaurateur des études grecques en France*, 1846; E. de Budé, *Vie de G. Budé*, 1884 (more laudatory than critical). *Budæi Opera*, 4 vols. (Dale, 1557), do not include his French treatise, *De l'Institution du Prince*, which was published, after his death, in 1547, nor his correspondence with Erasmus, which, with several others of his letters, will be found in Leclerc's edition of the *Opera* of Erasmus (Leyden, 1703-1706).

Erasmus. His father was a rich man, and had, for the time, a good library; he was, says his son, *librorum emacissimus*.² Guillaume's early education was of a perfunctory character. He was a student in arts at Paris, and in law at Orleans, but in neither branch of study did he reap any profit. It was not till he had reached the age of twenty-four that he was seized with a passion for learning which never afterwards deserted him. The remainder of his life was dedicated to untiring industry, and it was a current story that even on his wedding-day he worked for three hours. His first object was to learn Greek, and for that purpose he paid 500 crowns to George Hermonymus of Sparta, without, however, getting much in return. To Janus Lascaris he was indebted for occasional help and encouragement, but on the whole he was fully justified in describing himself as not only *ὀψιμαθής* but *αὐτομαθής*. It was mainly due to his indomitable perseverance, to his lavish expenditure on books and manuscripts, and his unsparing toil in studying them, that he forced his way through the narrow gate that leads to Greek scholarship. He soon began to be talked of as a zealous student of Greek, and through the chancellor Guy de Rochefort he was presented to Charles VIII, who made him one of his secretaries (1497).³ His first published works were translations from Greek to Latin, principally of treatises of Plutarch. In 1503 he was nominated a member of the mission sent by Louis XII to Pope Julius II just after his election. This mission, which lasted two years, gave him the opportunity of making the acquaintance of several of the leading scholars of Italy.⁴ His first important work was entitled 'Annotations on the Twenty-four Books of the Pandects' (1508); in this he indicated the main lines on which the reform of the study of jurisprudence ought to proceed: first, the purification of the text of the Digest from the successive strata of gloss under which it was buried; and secondly, the cultivation among students of a sounder knowledge of Latin and a purer style of writing it. But the work which raised him to a foremost place among the scholars of his day was his treatise 'De Asse et partibus eius,' published in 1514. Remarkable as the first thorough investigation of the money, weights, and measures of the ancients, it was even more remarkable for the great wealth of learning displayed in its numerous digressions. Within twenty years it passed through ten editions, a popularity which testifies, if not to the merit of the work, at any rate to the widely spreading interest in everything that related to the ancient world.

² See L. Delisle, *Cabinet des manuscrits de la Bibl. Imp.* i. 181; iii. 353; Omont, *G. Hermonyme, suivi d'une notice sur les collections des manuscrits de Jean et G. Budé*, 1885.

³ Budé to Pace (*Op.* i. 241); Budé to Tunstall (*Erasmi Op.* iii. 245).

⁴ Budé to Tunstall (*Erasmi Op.* iii. 245).

Throughout the reign of Louis XII, Budé, except for one or more missions to Italy, had lived in retirement among his books, his duties as secretary being apparently nominal. But the author of the 'De Asse' was too famous a man to escape the notice of Francis I. In 1520 he was summoned to the court, and it became for a time his duty to attend the king on his numerous peregrinations, a duty which the hard-working scholar did not much relish. In 1522 he was appointed to the newly created office of 'master of the king's library' at Fontainebleau. Meanwhile a collection of his letters, including several written in Greek, which had been published in 1520, had definitely established his reputation as a Greek scholar.⁵ From this time he was recognised as sharing with Erasmus the primacy of European scholarship. In 1521, the Spaniard, Vives, who had recently paid a visit to Paris, writes to Erasmus in terms of the highest admiration of Budé's learning,⁶ to which Erasmus replies that the Germans 'cannot deny that he is supreme in every kind of literature.'⁷ But it was especially in Greek scholarship that he was pre-eminent, and in 1529 he gave a more convincing proof of his powers by the publication of his 'Commentarii Linguae Graecae,' a species of Greek lexicon, which Erasmus had once or twice urged him to write.⁸ Like all Budé's writings the 'Commentaries' are a mass of erudition put together without any attempt at method. Though now of little value, their appearance was a notable event in the history of French scholarship. Little is known of Budé during the last decade of his life, which he apparently passed in comparative retirement either in his *hôtel* at Paris or in one or the other of his country-houses at Marly and St. Maur. He died on 22 Aug. 1540, four years after Erasmus. The following words of Calvin express the verdict of his contemporaries: *Gulielmus Budaeus primum rei literariae decus et columen, cuius beneficio palmam eruditionis hodie sibi vindicat nostra Gallia.*⁹ The first place in the world of scholarship had passed from Italy to France, and it was mainly the work of Budé.

Budé's two most intimate friends were Louis de Ruzé, 'civil-lieutenant' (that is to say, judge of the civil court) of Paris, and François de Luines, one of the presidents of the Paris parliament.¹⁰

⁵ They were published by Badius (see E. de Budé, *Vie de G. Budé*, p. 139, n. 1), and republished at Basle in 1521. A second collection was published by Badius in 1522.

⁶ *Erasmi Op.* iii. 686; and see Vives's panegyric in his commentary on St. Augustine's *De civitate Dei*, ii. ch. xvii. (Basle, 1570, p. 123).

⁷ *Erasmi Op.* iii. 689.

⁸ *Ibid.* 680, and comp. p. 802. The first edition was published by Badius; the best is that of Robert Estienne (1548), a magnificent specimen of typography.

⁹ Calvin, *Op.* v. 54.

¹⁰ Erasmus speaks of the three men as a triumvirate (*Op.* iii. 420; and see *ibid.* 194, 210; Leroy, *Vita Budaei*, p. 40). Luines died in 1525 (*Erasmi Op.* iii. 884) at an advanced age (*ibid.* i. 1011). Brixius honoured him with a very long elegy (*Delitiae Poetarum Gallorum*, i. 723).

Both were warm partisans of the new studies, and were themselves in some repute as writers of elegant Latin. Another man in high place whose influence was always at the service of scholars was the learned Estienne Poncher, bishop of Paris, and afterwards archbishop of Sens.¹¹ Other members of this little circle of humanists were Germain de Brie, better known as Germanus Brixius, Nicolas Berauld, and the two physicians, Jean Ruel and Guillaume Cop. Brixius and Berauld at the beginning of the reign of Francis I. ranked next to Budé as Greek scholars. Brixius was one of the royal almoners and a canon of Notre-Dame. He had learnt Greek from Janus Lascaris at Venice and from Marcus Musurus at Padua. Here he made the acquaintance of Erasmus, whose most frequent correspondent he is, next to Budé, among the French humanists. He translated some of St. John Chrysostom's works into Latin and wrote Greek verse. But he was especially famous as a Latin poet, in which capacity he had a notable passage of arms with Sir Thomas More. He lived in considerable style and gave excellent dinners to his learned friends.¹² Nicolas Berauld is especially interesting as the tutor of the three Chatillon brothers. He was for some time a professor of law at Orleans, his native town, where Erasmus stayed with him in 1506 on his way from England to Italy. 'Even now,' says Erasmus in a letter to Luines, 'methinks I hear that smooth and fluent tongue, that sweetly musical and gently resonant voice, that pure and polished discourse; methinks I see that friendly face so full of human kindness, so free from pride; those charming manners, affable, easy, unobtrusive.'¹³ In 1517 we find him at Paris, on intimate terms with Poncher and the other members of the humanist circle. He had now given up the study of law for that of the ancient languages. Melchior Wolmar learnt Greek from him in 1521, and in 1525 Estienne Dolet was his pupil in Latin and rhetoric. He had a great reputation as a speaker.¹⁴ Jean Ruel is chiefly known as the author of 'De Natura Stirpium,' in which he has collected all the learning of the ancients on the subject of plants, and which may be regarded as the starting-point of the revival of botanical studies in France.¹⁵

¹¹ Poncher (1445-1524) became bishop of Paris in 1503 and archbishop of Sens in 1519. Brixius, in a letter to Erasmus (*Op.* iii. 191), is very enthusiastic in his praises, and Berauld calls him 'the distinguished and almost solitary Maecenas of his age' (*ibid.* 308).

¹² For Brixius (*b.* 148-, *d.* 1538) see Sainte-Marthe, *Elogia*; Brixius to Erasmus (*Op.* iii. 191). For the controversy with More see *Philomorus* (2nd ed. 1878), pp. 74-78; Geiger, *Vierteljahrsschrift für vergleichende Litt.* ii. 213 ff. He is mentioned by Rabelais in *Pant.* iv. 21, a passage which seems to prove that his name was De Brie and not Brice.

¹³ *Erasmi Op.* iii. 183.

¹⁴ For Berauld (1473-1550) see Haag, *La France Prot.* (2nd ed.); Christie, *Etienne Dolet* (2nd ed. 1899), p. 15; and for tributes to his eloquence, *Borbonii Nugae*, p. 462; *Erasmi Op.* i. 1011.

¹⁵ For Ruel (1474-1537) see Sainte-Marthe, *Elogia*. The first edition of the *De Natura Stirpium* (1536) is one of the finest specimens of Simon de Colines's press.

Guillaume Cop, a native of Basle, was the king's first physician, and of great influence at the court, which he used to further all schemes for the advancement of learning. He published some Latin translations of Hippocrates and Galen.¹⁶

Another man of learning who was in close attendance on the king was his confessor, Guillaume Petit, a Dominican, who held in succession the sees of Troyes and Senlis. He was a great book-hunter—*omnium bonorum auctorum conquisitor et indagator sagacissimus*.¹⁷ In fact, according to Budé, so far did his love for rare volumes go that he was hardly to be trusted in a library.¹⁸ Yet he was entrusted with the duty of drawing up a catalogue of the royal library at Blois, and the manuscript which contains interesting comments by him on several of the books is preserved to this day in the imperial library at Vienna.¹⁹

Lastly among the friends of the new learning whose duties brought them into immediate and continual contact with the royal person was Jacques Colin, abbot of St. Ambroise of Bourges, who held the post of reader to the king. Though hardly to be reckoned as a man of learning, he had from his position frequent relations with the leading scholars, and he was himself of some note in his day as a writer of both French and Latin verse. He was fond of a good joke and a good story, and had a witty tongue which he would have done well sometimes to restrain, as it eventually cost him his place as reader.²⁰

These men, with François du Bois (Sylvius), principal of the College of Tournai, who did much to reform the style of Latin composition in the university,²¹ Jean de Pins, bishop of Rieux,²² and Josse Bade the printer, may be said to form the first generation of French humanists. Like all pioneers, they had to contend against serious obstacles. They had either acquired Greek in Italy, like Brixius and Jean de Pins, or like Budé had overcome the many difficulties which attended the learning of it in France, where

¹⁶ Cop died 1537; the date of his birth is unknown.

¹⁷ Budaeus, *De Asse* (*Op.* i. 269).

¹⁸ *Bibliothecarum pene compilator* (*Erasmi Epp.* iii. 168).

¹⁹ Michelant, *Catalogue de la bibliothèque de François I* (1863). A notice of Petit will be found in Echard, *Script. Ord. Praed.* ii. 100. Budé believed him to be a relation of Jean Petit the publisher (*Erasmi Op.* iii. 168).

²⁰ For Colin (*b.* 14—, *d. circ.* 1537) see Goujet, *Bibliothèque française* (1747), xi. 398–404. A letter from Pierre Danès, then one of the royal professors, asking him to get leave of absence for him from the king, is printed in *Clarorum Virorum Epistolae*. Des Periers tells several anecdotes about him (*Nouv.* xlvii. xlviii), and says of him that he was 'homme de bon savoir et bon cerveau . . . et avait une grande assurance de parler de quelques propos que ce fust, et rencontoit singulièrement bien.' See also St. Gelais, *Œuvres* (ed. Blanchemain), ii. 106, with the note by La Monnoye.

²¹ F. du Bois, elder brother of the celebrated medical writer Jacques du Bois, was a correspondent of Erasmus, who, writing to him in 1525, says 'Ego iam cursu defessus Beraldo, Brixio, tibi vestrique similibus trado lampada' (*Op.* iii. 910).

²² For Jean de Pins see *post*, p. 473.

there were no books, few manuscripts, and still fewer teachers, and where, above all, they met with constant opposition from the very body to which they had the most right to look for encouragement—the Paris University. From the very first the Sorbonne and the College of Navarre had regarded the new studies with more or less suspicion. On the eve of the reign of Francis I, the Theological Faculty, formerly condemning the *Speculum oculare* of Reuchlin, had proclaimed itself to the world as the champion of Obscurantism, as the ally of Pfefferkorn and Ortuinus Gratius.²³ The leader of these Paris obscurantists was Noël Beda, principal of the College of Montaigu, and syndic of the Theological Faculty, whose opposition both to humanists and Lutherans was carried on with a zeal which even the orthodox sometimes thought excessive.²⁴

But though the followers of Beda were in the majority in the university, they did not have it all their own way. There had always existed a feeling of considerable jealousy between the Faculty of Arts and that of Theology with regard to their respective rights and privileges, and this fact doubtless helped to dispose those colleges which had few or no theological professors in favour of the new studies. In some of the colleges there were Greek lectures; by Jean Chéradame in the College of Lisieux, by Jean Bonchamp (Evagrius) in the College of Le Moine, and by Jean le Voyer in the College of Burgundy.²⁵ The College of Lisieux under the rule of Jean du Tartas (1525–1538) became distinguished for enlightened views. But the principal home of humanism in the university was the College of Sainte-Barbe, of which the Portuguese Jacques des Govea and his nephew André were successively principals. Among its professors and students were Jean Fernel, Jacques Louis d'Estrebay (Strebaeus), Jean Gelida, who afterwards became principal of the College of Le Moine, Barthélemi Masson and Guillaume Postel, the future royal professors, and George Buchanan.²⁶ Here also from 1525 to 1528 lectured a man who perhaps more than any one helped to infuse the spirit of true humanism into the university. This was Maturin Cordier, who for nearly twenty years (from about 1524 to 1534) devoted himself to the work of reforming the education of the younger students of the Paris University.²⁷ He taught in various colleges besides Sainte-Barbe; at La Marche Calvin was one of his pupils. In 1530 he published a little treatise, 'De

²³ Argentré, *De novis Erroribus*, i. pt. ii. p. 250; *Epistolae Obscurorum Virorum* (Leipzig, 1869), ii. 140.

²⁴ He succeeded Jean Standouc before 1502. Beda is the latinised form of his name, which was probably Bedier (see M. Frank's edition of the *Heptameron*, iii. 487–94). ²⁵ Dom Liron, *Singularités historiques* (1738–40), i. 470.

²⁶ See J. Quicherat, *Hist. de Sainte-Barbe*, 3 vols. 1860–64.

²⁷ 1479–1564. See Haag, *La France Protestante*; F. Buisson, *Sébastien Castellion* (2 vols. 1892), i. 124 ff.; Berthault, *M. Cordier*, 1876.

corrupti sermonis apud Gallos et loquendi latine ratione libellus' in which he waged war against the monkish jargon which passed for Latin among the students. In 1534 he edited the famous school-book Cato's 'Disticha,' with a French translation and notes; and in the same year he left Paris, and, after a brief sojourn at Nevers, joined the staff of the new College of Guienne at Bordeaux.²⁸ In 1537 he yielded to Calvin's pressing invitation to help him with the organisation of his new college at Geneva. Thence, owing to the temporary defeat of Calvin and his friends by the opposite party (1538), he went to Neuchatel and became head of the college. It was not till 1559 that he returned to Geneva, and there he died in 1564, teaching to the end. It was at Geneva, a year before his death, that his famous 'Colloquies,' a series of dialogues in Latin and French for the use of schoolboys, were published. They acquired an enormous popularity, which they retained till the present century.²⁹

The second generation of French scholars, men who had scarcely reached manhood at the time of the accession of Francis I, found on the whole a much easier task before them. In the first place they had better teaching; they could learn Greek in France, without going to Italy or trusting to the stray visits of foreign scholars. Secondly, thanks to the energy and liberality of Budé and a few others, whose example was followed by the king, Greek manuscripts were being collected and multiplied; and, though very few Greek books were as yet printed in France, they could be imported from beyond the Alps.

Foremost among this younger generation were Pierre Danes and Jacques Toussain, both of them Budé's pupils, who rapidly rose to a place among the French scholars inferior only to their master's and became the first royal professors of Greek.³⁰ Another pupil of Budé's was Guillaume du Maine, who became tutor to his children, then reader to Margaret of Navarre, and afterwards tutor to the children of Francis I.³¹ In 1523 he published a Greek-Latin dictionary in conjunction with Jean Chéradame, whom I have mentioned as lecturing in the college at Lisieux, and who had written a Greek grammar with the help of

²⁸ He had become a Protestant, and in 1535 his name appeared on the list of those who were cited to appear before the Paris parliament (*Cronique du roy François premier*, p. 130).

²⁹ The latest edition in the British Museum is of 1830 (London).

³⁰ Danes (1497-1577) joined his patron, Georges de Selve, ambassador at Venice, in 1534, and remained in Italy for three years. He represented France at the council of Trent, and was made by Henri II tutor to the Dauphin, and bishop of Lavaur (Goujet, *Mémoires du collège royal*, i. 384-405). Toussain (b. 149-, d. 1547) was an especial favourite with Budé, of whose letters he published two editions (*ib.* 405-19).

³¹ Several of Budé's Greek letters are addressed to G. du Maine; see for an account of him, Dreux de Radier, *Hist. litt. de Poitou*.

Toussain.³² The latter was the author of another Greek-Latin dictionary, which was published after his death.

The diplomatist Lazare Baif, father of the poet Jean Antoine de Baif, ranked high as a writer of Latin prose.³³ His translations of the 'Electra' of Sophocles and the 'Hecuba' of Euripides into French verse are of little merit, but his three archæological treatises, 'De re vestiaria,' 'De re navali' and 'De vasculis,' went through numerous editions. He also translated two pairs of Plutarch's Lives. Aimar de Ranconnet was a few years younger than Baif. Though he published nothing under his own name, he had the highest reputation among his contemporaries for sound learning, both as a classical scholar and as a jurist. Turnebus dedicated to him his edition of Sophocles (1553), and Cujas his notes on the 'Sentences' of Paulus. Ranconnet was born at Bordeaux, studied for a time at Toulouse, and according to the 'Pithæana' served for twelve years as corrector of proofs to Robert Estienne. In 1539 he was made a member of the Great Council, and in 1549 a counsellor of the Paris parliament and president of the second chamber of *enquêtes*. He died mysteriously in the Bastille in 1559.³⁴ Another member of the Great Council who was also a leading humanist was Guy de Breslay, who had studied at Padua under Simon Villanovanus. He was made president of the Great Council in 1541.

In the dedicatory letter to the king, prefixed to his 'Commentarii Linguae Græcæ,' Budé reminds him in very plain language of a promise he had long before made to establish a royal college for the study of ancient languages. The project, which is said to have emanated from Francis himself, but which at any rate was suggested by the college for the study of the three languages founded by Jerome Busleiden in 1515 at Louvain, had been formed as early as 1517,³⁵ and one of the reasons for desiring to attract Erasmus to France was the wish that he might take some part in the direction of the new college. But before the scheme was sufficiently matured to be put into execution Francis's attention was diverted by the war with Charles V, and it was not till after the treaty of Cambray that, sickened by unsuccessful warfare, he again turned his attention to the arts of peace. The moment chosen by Budé for his reminder was therefore an opportune one.

³² For Chéradame see Goujet (*ib.* 420-34), though he is mistaken in supposing that he was ever a royal professor; *Hist. Eccl.* (ed. Baum and Cunitz), i. p. 6.

³³ For Baif (*circ.* 1490-1547) see Hauréau, *Hist. Litt. du Maine*, 1852, iii. 1-16; L. Pinvert, *L. de Baif*, 1900; Erasmus, *Ciceronianus* (*Op.* i. 1012).

³⁴ See P. Tamizey de Larroque, *Un grand homme oublié, le Président de Ranconnet* (1871); Sammarthanus, *Elog.* p. 35; Bunellus, *Epistolæ* (1581); Taisand, *Les Vies des jurisconsultes* (1721), who tells us that Ranconnet used to get up in the night and work for four hours (pp. 66, 82).

³⁵ 'Praeclari cupit esse conditor instituti'—Budé to Erasmus, 5 Feb. 1517 (*Erasmii Op.* iii. 170).

Before the end of the year 1529 the first royal professorships³⁶ were established, and by the end of 1530 there were five professors, two for Hebrew, two for Greek, and one for mathematics. Owing to the opposition of the University no professorship for Latin was founded; and that part of the original scheme which consisted in building a magnificent college and endowing it with a revenue for the maintenance of a large body of scholars was abandoned.³⁷ The first professors were as follows: for Hebrew, François Vatable, Agatho Guidacerio; for Greek, Danès and Toussain; for mathematics, Jean Martin Poblacion, a Spaniard.³⁸ Their annual stipend was 200 crowns. In 1531 a third professor for Hebrew was added in the person of Paolo Paradisi, surnamed Canossa, a converted Jew. Vatable, whose real name was Wastbled or Wastabled, was a native of Picardy. In 1508 he attended Aleandro's Greek lectures at Paris, and helped him to prepare, and eventually completed by himself, an edition of Chrysoloras's Greek grammar. He probably learnt Hebrew from Augustino Giustiniani, who came to Paris in 1516 on the king's invitation and lectured for five years.³⁹ They were the first Hebrew lectures given at Paris. In 1521 Vatable accompanied Lefèvre d'Étaples to Meaux, and remained there till 1524, helping to spread a knowledge of the Bible. But in later years his orthodoxy was beyond suspicion. He had a great reputation as a lecturer, but his only published work was an edition of the Hebrew Bible, the first printed in France, with the commentary of the celebrated thirteenth-century rabbi, David Kimchi, which he prepared for Robert Estienne (4to, 1539-1544; 2nd ed. 16mo, 1544-1546). Notes taken at his lectures were printed in the margin of the same printer's Latin Bible of 1545. He was abbot of Bellozane, a benefice afterwards held by Amyot and by Ronsard. He died in 1547, on the same day as his colleague Toussain.⁴⁰

France could boast of another native hebraist in the person of Pierre Olivetan, the translator of the protestant Bible, who, like

³⁶ See a letter from Erasmus to Toussain (1 Jan. 1530) congratulating him on his appointment (*ib.* 1351).

³⁷ Bulaeus, *Hist. Univ. Par.* vi. 221.

³⁸ See A. Lefranc, *Les origines du collège de France* in *Rev. internat. de l'enseignement*, 1890, pp. 457-81. The names of the first professors as given in the *Histoire Ecclésiastique* (p. 7) exactly correspond with the entry in the king's accounts for 30 Nov. 1531 (Cimber and Danjou, *Archives Curieuses*, 1^{re} sér. iii. 86), but probably Goujet is right in giving Poblacion as the first professor of mathematics. He can only, however, have held office for a short time, as his successor, Oronce Finé, was certainly appointed in 1530. Lefranc thinks he was never professor. He dates the first appointments from 24 March 1530, the date from which their stipends were calculated.

³⁹ Echard, *Script. Ord. Praed.* ii. 96.

⁴⁰ For Vatable see Beza, *Icones*; Goujet, *ib.* 255-6; Teissier, *Elcges*, i. 1-4. For his residence at Meaux see Herminjard, *Correspondance des Réformateurs*, i. 71 n^o 110 n^o, 181 n^o.

Vatable, was a native of Picardy. But the most distinguished Hebrew scholar in France at the time of the foundation of the royal professorships was the Italian Dominican, Sanctes Pagnini, who came to Lyons in 1525, and died there in 1536. His Latin translation of the Old Testament, to which Olivetan was greatly indebted, appeared in 1528, having cost him twenty-five years of labour, and his Hebrew-Latin dictionary ('*Thesaurus Linguae Sanctae*') in 1529.⁴¹

Of Poblacion, the first professor of mathematics, next to nothing is known. His successor, Oronce Finé, though his knowledge seems ridiculously small when judged by a modern standard, deserves the credit of being the restorer of mathematical studies in France. He had even a harder task than Budé; in spite of the great reputation which he obtained as a professor, his whole life was a constant struggle with poverty.⁴²

The foundation of the royal professorships had from the first been hotly opposed by the obscurantist party of the university.⁴³ It is true that they no longer regarded the 'new' languages with the same horror as heretofore, or perhaps, finding it impossible to resist their introduction, they determined to submit them to a wholesome supervision; for in the year 1530, just after the first royal professorships had been founded, we find a printer, Gerard Morrhuis, a native of Campen in Holland, established in the Sorbonne itself, and issuing from his press no less than eleven Greek books. But the university professors not unnaturally looked with a jealous eye on the new professors, who, from the superiority of their teaching and from the fact that no fees were charged for their lectures, drew enormous classes. The attack was led as usual by the indefatigable Noel Beda, who in January 1534 presented to the parliament of Paris, in the name of the Faculty of Theology, a formal complaint against the delivery of public lectures on the Holy Scriptures by 'simple grammarians or rhetoricians who had not studied in any faculty.' A day having been fixed by the parliament for hearing

⁴¹ See Echart, *ib.* ii. 114 ff.; Christie, *Dolet*, p. 301.

⁴² There is a long article on Finé (1494–1555) in the *Nouv. Biogr. Gén.* The doubt which the writer throws on the story of his imprisonment for his courageous opposition to the Concordat is removed by a letter published by Herminjard (*ib.* i. 178), written 1 Jan. 1524, in which the writer speaks of having visited him in prison.

⁴³ Bulaeus, *Hist. Univ. Par.* vi.; Goujet, pp. 84–94, who quotes the following lines of Marot from his *Epistre au roy du temps de son exil à Ferrare* (1535).

Autant comme eux, sans cause qui soit bonne,
Me veult de mal l'ignorante Sorbonne:
Bien ignorante elle est d'estre ennemye
De la trilingue et noble academie
Qu'as erigée. Il est tout manifeste,
Que là dedans contre ton vueil celeste
Est defendu qu'on ne voyse allegant
Hebrieu ny Grec, ny Latin elegant,
Disant que c'est langage d'heretiques.—*Œuvres* (ed. Jannet).

the contending parties, Noel Beda, who appeared in person, said in the course of his speech that it was very far from his intention to object to the study of Greek or Hebrew, but that it was to be feared that the new professors, though excellent humanists, were not sufficiently versed in theology to interpret the Holy Scriptures, and criticise, as they did, the Vulgate; and that even if they were, there might be a danger of their inducing their hearers to doubt its fidelity. 'Finally,' he said, 'the greater part of the Greek and Hebrew editions which they use as text-books have been made in Germany, a country infected with heresy, either by Jews or by catholics who have turned Lutherans, who are therefore quite capable of tampering with the original text.' The actual decision of the parliament is not known, but it was no doubt favourable to the royal professors, for they continued to give their lectures, and before the end of the year a Latin professorship, to which Beda and his friends had especially objected, was established. The first professor was Barthélemi Masson⁴⁴ (Latomæus), a native of Luxembourg and a friend of Erasmus, who had been recommended by Budé. His nationality made the appointment doubly objectionable in the eyes of the orthodox, for the affairs of the Placards had recently occurred, and all countrymen of Luther were now looked on with special suspicion. They need have had no fear of Masson on this score, for he had already shown himself to be zealously orthodox, and in this path he continued.

A few years after this the king returned to his original intention of housing his professors in a magnificent college, and a document was addressed to the treasurer of his exchequer calling upon him to provide ways and means for the building of a college on the site of the Hôtel de Nesle (19 Dec. 1539).⁴⁵ But, like many of Francis's grand conceptions, it never bore fruit. The royal professors remained without a home of their own till nearly a century later. However, an increase was made in the number of the professorships. A third chair of Greek was created and filled by Denis Coroné, who had been for many years attached to the household of the Cardinal de Tournon. The other new chairs were a second one of mathematics, one of philosophy, and one of medicine, making ten in all.⁴⁶ The first professor of philosophy was

⁴⁴ For Masson (b. 1485, d. 1566) see Goujet, ii. 326-343; Erasmi *Op.* iii. p. 1504 ('Latomæus to Erasmus), p. 1508 (Erasmus to Latomæus). He had strongly opposed the foundation of the college of Busleiden at Louvain (Rottier, *La vie et les travaux d'Erasmus considérés dans leurs rapports avec la Belgique*), pp. 129-32.

⁴⁵ Goujet, i. 109-15; the document is printed in Baluze's notes to Galland's *Vita Castellani*, p. 154.

⁴⁶ See *Vita Castellani*, p. 150, where a list of the professors (in some cases with their names utterly misspelt) is given for the year 1545. Pierre Galland appears as professor of Latin in the place of Masson, who had resigned in 1542, and Jean Strazel in the place of Danès, who had also resigned. For Coroné see Goujet, i. 434-8, and the dedication

Vicomercato, a native of Milan; of medicine, Guido Guidi (Vidus Vidius), the great anatomist, who was a native of Florence.

The new chair of mathematics was conferred on that remarkable man, Guillaume Postel, whose early struggles in the pursuit of learning are highly characteristic of the age.⁴⁷ At the age of thirteen, having lost both his parents in childhood, he became a teacher in a village school. As soon as he had saved a little money he made his way to Paris, but, his money and clothes having been stolen by some rascal during his sleep, he was reduced to such misery that he contracted an illness which kept him in hospital for two years. On his recovery he set to work to earn some more money by harvesting, and then entered the college of Sainte-Barbe, where he supported himself by acting as servant to the professor Jean Gelida, and by giving him lessons in Greek. Meanwhile he studied with passionate ardour, and soon began to acquire some reputation as a scholar. After some vicissitudes he obtained an appointment as tutor, which relieved him from the pressure of poverty. In 1535 he went to Constantinople in the suite of the ambassador La Forest, and there he studied oriental languages. On his return he published his first book, the alphabets of eleven languages, Hebrew, Syriac, Samaritan, Arabic (including an Arabic grammar), Greek, Ethiopic, Georgian, two forms of old Slavonic which he called Servian and Illyrian, Armenian, and Latin (1538). In 1539 he was, as we have seen, appointed to the new royal professorship of mathematics; but in 1543, having become involved in the disgrace of his benefactor, the chancellor Poyet, he gave up his chair and left France. After wandering over Europe for eight years he returned to Paris in 1551, but three years later again took to a wandering life. At last in 1563 he settled down in the Cluniac monastery of St. Martin-les-Champs at Paris, and there spent the remainder of his days, visited by princes and learned men. He died in 1581, leaving a large number of published works, which are still prized by book-collectors. Many of them relate to certain mystical religious doctrines which Postel was

of the *Hieroglyphica* of Orus Apollo (Paris 152½), in which the writer, Joannes Angelus, speaks of the 'venerandum archiepiscopum Ebrodunensem, qui Dionysium Corrhonium virum utriusque linguæ doctissimum, magnis exornet donetque stipendiis' (Herminjard, i. 71, n. 10). Coroné was therefore probably born before 1500. The date of his death is not known, but his successor in the chair, Pierre Galland, was appointed in 1547.

⁴⁷ The most recent account of Postel (1510-1581) is that by G. Weill, *De G. Postelli Vita et Indole*, 1892. Thevet, who knew him personally, has inserted in his *Portraits et vies des hommes illustres* (1584), a translation, with a few additions at the end, of the fragment of a Latin life printed in *Monasterii regalis S. Martini de campis historia* (by Martin Marrier), 1637, p. 558. See also Nicéron, viii. 295; Teissier, *Eloges*, i. 545 ff.; Chauffepié, *Nouv. Dict. Hist.; Nouv. Biogr. Gén.* Some very curious letters from Postel to Abraham Ortelus, the geographer, are printed in the *Epistulæ Ortelianæ* (ed. Hessels, Camb. 1887), i. nos. 19, 20, 81.

in the habit of preaching in and out of season, and which brought him into frequent trouble. Indeed, he might have fared worse had he not been supposed to be not altogether in his right mind.⁴⁸

Postel naturally suggests the names of two other notable eastern travellers, both naturalists, namely Pierre Gilles and Pierre Belon. Gilles was sent by Francis I in 1539 on a mission to collect Greek manuscripts and to write descriptions of Constantinople and other places. He was still in the East at the time of the king's death. His chief work, 'De animalium natura' (1533), is a compilation from Aelian and other ancient writers.⁴⁹ Pierre Belon⁵⁰ hardly falls within the limits of this sketch, being still a comparatively young and unknown man at the death of Francis I. He was born in Maine in 1517, and found a patron in the bishop of Le Mans, René du Bellay, who enabled him to study medicine at Paris. Another patron, Cardinal de Tournon, furnished him with money for a protracted tour in the East (1546-49). The account of his travels, which he published in 1553, is said to be one of the best books of the kind written in the sixteenth century,⁵¹ and his book on birds, which appeared in 1555, shows considerable personal observation and some anatomical knowledge.⁵² He was also a botanist and an ichthyologist, and he wrote a book on classical antiquities. Unfortunately, while still in the prime of life, he was assassinated in the Bois de Boulogne (1564).

The creation of the new professorial chairs was doubtless in a large measure due to Pierre du Chastel, who in 1537 had become the king's reader in the place of Jacques Colin and had succeeded Budé as his chief adviser in literary matters.⁵³ The appointment of Postel may have been due to his fellow-feeling for a man who, like himself, had been self-taught, and whose acquaintance he must have made at Constantinople in 1535. His life up to this time had been full of variety and adventure. He had been a professor in Cyprus; he had been stripped by robbers in Egypt, and had

⁴⁸ 'Fuit vere stultus, nam alioqui fuisset combustus: il couroit les rues' (*Scaligerana altera*, p. 193). For a list of his works and an account of his religious opinions see Des Billons, *Nouveaux éclaircissements sur la vie et les ouvrages de G. P.* (Liège, 1773).

⁴⁹ 1490-1555. See Nicéron, *Mém.* xxiii. 403 ff.; Delisle, *op. cit.* i. 159. In the *Epist. Ortelianae* (i. no. 5) there is a letter from P. Gilles, dated from Aleppo, April 1549, to a correspondent who, according to Ortels, is Amyot.

⁵⁰ Nicéron, xxiv. 36; Hauréau, *Hist. Litt. du Maine*, ii. 64 ff.

⁵¹ *Les observations de plusieurs singularités et choses memorables trouvées en Grèce, Asie, Judée, Egypte, Arabie et autres pays estranges*, 1553. It was several times reprinted within the next few years.

⁵² *Histoire de la Nature des Oyseaux*. See A. Newton, *A Dictionary of Birds* (1893-96), p. 5.

⁵³ For P. du Chastel (circa 1508-52) see the excellent Latin life by Pierre Galland. It remained in manuscript till 1674, when it was published by Etienne Baluze. Colin seems to have been still reader in Sept. 1536; see Guiffrey's edition of Marot. iii. 480, n. 1.

nearly died of fever at Iconium. At Constantinople he had impressed the ambassador La Forest so favourably that he sent him to France with despatches and a letter of recommendation to the king. Francis was as much impressed as La Forest, and henceforward Du Chastel's career was one of uninterrupted prosperity.⁵⁴ He became successively archdeacon of Avignon and bishop of Mâcon, Tulle, and Orleans. Scholars and men of letters found in him a sure and constant support. The king declared that he was the only man whose learning he had not exhausted in two years.

In 1540 Du Chastel succeeded Budé as master of the royal library at Fontainebleau. The post was one of great importance, for the king had for the last ten years been forming a remarkable collection of Greek manuscripts.⁵⁵ His first acquisition was made in 1529; it consisted of fifty volumes purchased for him by Girolamo Fondulo, a native of Cremona and a man of considerable learning, who was on terms of friendship with several of the French scholars.⁵⁶ In 1542 he bought the collection of Georges de Selve, and in 1545 he was given twenty-four volumes by Cardinal d'Armagnac. The chief hunting-ground for Greek manuscripts at this time was Venice, and here too the copying of manuscripts formed a regular industry among the exiled Greeks. About 1540 the most renowned of these copyists, Angelo Vergecio, was persuaded to enter the French king's service.⁵⁷ Hitherto the enthusiastic humanists who represented Francis at Venice and Rome had collected manuscripts for themselves; but when Guillaume Pellicier, bishop of Montpellier, was appointed to Venice in 1543 he received instructions to have copied, at whatever cost, any manuscripts of which there were not already copies at Fontainebleau. Unfortunately only a very few of the one hundred and eighty volumes which he collected passed to the royal library.⁵⁸

In 1544 Francis moved to Fontainebleau the library at Blois which he had inherited from his predecessor, Louis XII. It contained 1,891 volumes, including about forty manuscripts which

⁵⁴ He seems to have arrived in France during the first half of 1536; see the preface, dated 29 July 1536, to book ii. of Vulteius, *Epigrammata* (Lyons, 1536), p. 98, to which Mr. Christie kindly called my attention. He was made archdeacon of Avignon in 1537.

⁵⁵ Delisle, *op. cit.* i. 151-65 (chiefly from a manuscript account by Jean Boivin); H. Omont, *Catalogue des manuscrits grecs de Fontainebleau* (1889), pp. iv-viii.

⁵⁶ Tuque adeo, Fondulle, mei pars intima cordis,

Francisco per me conciliate meo.—

Brixius, *Elegy* on F. de Luynes (*Del. poet. gall.* i. 724). Fondulo's extraordinary thinness was a constant joke (see *Joyeux Devis*, xlvi., ed. Lacour, ii. 187). He wrote an Italian comedy in imitation of Plautus (*Cat. Seillière*, no. 468).

⁵⁷ For Vergecio see the *Dict. historique* of Prosper Marchand; *Revue Critique d'hist. et de litt.* 9 March 1872, p. 159; E. Legrand, *Bibl. Hellenique*, 1885, i. clxxv ff.

⁵⁸ There are, or were, nearly a hundred in the Middlehill collection, and there are some in the Bodleian Library. See Omont, *Catalogue des MSS. grecs de G. P.* 1886.

Janus Lascaris had brought to France in 1508.⁵⁹ The great majority of these volumes consisted of manuscripts, there being only 109 printed volumes. In 1545 Vergecio made a list of the Greek manuscripts at Fontainebleau; they amounted to about one hundred and ninety.⁶⁰ In a library like this, which had a quasi-public character, manuscripts were of more service to learning at this stage of its development than printed books, for they were freely lent to various Paris publishers, and books were thus rapidly multiplied. Before 1528 hardly any Greek books were printed in France, but in that year a real start was made, and four Greek books, all of some importance, were printed. In 1530 the work received an impulse from an unexpected quarter, for, as we have seen, no less than eleven Greek books were printed in that year by Gerardus Morrhuis in the Sorbonne itself. One of these was a Greek-Latin lexicon.

Still greater encouragement came from the appointment of a king's printer for Greek in 1539. The man chosen for the post was Conrad Néobar. 'Distinguished men of letters,' the king is made to say in the letters-patent of his appointment, 'have represented to us that art, history, morals, philosophy, and almost all the other branches of learning, flow from Greek writers, like rivers from their source.'⁶¹ Néobar died a year after his appointment—killed, it is said, by hard work—and was succeeded by Robert Estienne, who already held the office of king's printer for Hebrew and Latin. In 1541 he was ordered by the king to procure from Claude Garamond, the typesetter and engraver, three sets of Greek types for the royal press.⁶² The two larger sizes were modelled on the handwriting of Angelo Vergecio,⁶³ and the smallest, it is said, on that of his pupil, Henri Estienne, then a boy of ten. The exquisite beauty of these types, together with the good quality of the paper and ink, makes the Greek books printed by Robert Estienne and his successors among the most finished specimens of typography that exist. Those printed by Robert included eight *editiones principes*; the most important being Eusebius, Justin Martyr, Dionysius of Halicarnassus, Appian, and Dio Cassius.

Robert Estienne was a scholar as well as a printer. His *Thesaurus linguae latinae*, which appeared in 1532, was, especially in

⁵⁹ It was composed of (1) the library which Louis XII had inherited from his father, the duke of Orleans; (2) the library of Charles VIII; (3) the collection of the dukes of Milan; (4) a collection of beautifully illuminated MSS. formed by Louis of Bruges; (5) additions made by Louis XII and his wife, Anne of Brittany. See Delisle, *ib.* 98-146; *Essai hist. sur la bibliothèque du roi* [by Leprince], 1782; and for the catalogue made by G. Petit in 1518, *ante*, p. 159.

⁶⁰ Printed by Omont, *Cat. des MSS. grecs de F.* pp. 355 ff.

⁶¹ The document is printed by A. Bernard, *G. Tesy*, p. 379.

⁶² A. Bernard, *Les Estienne et les types grecs de François I.* 1856.

⁶³ *Scaligerana altera*, p. 11.

the improved form of the third edition (1549), vastly superior to any Latin dictionary that had yet appeared, and may be considered as marking a distinct advance in Latin scholarship. It is, however, as an editor of the New Testament that he is best known to the world at large, and that in this country he has been nationalised under the name of Stephens. His New Testament of 1550, either in its original form or in such a slightly modified form as it assumed in the Elzevir text of 1684, remains to this day the traditional text. Though this is due rather to typographical than to critical merit, it must be remembered that it was at any rate the first edition of the New Testament which had any critical apparatus at all. Its publication involved Robert Estienne in disputes with the Sorbonne, with the result that towards the close of 1551 he fled from France to Geneva. He had been among the earliest converts in France to the new religion. His brother Charles (1504 or 1505–1564) was also a man of considerable learning. He was chiefly famous as a physician and medical writer, but his learning was greater than his science. He produced a ‘*Dictionarium Historicum ac Poeticum*,’ a sort of encyclopædia, and a ‘*Thesaurus Ciceronianus*.’ His ‘*Praedium Rusticum*,’ which continued to be a favourite book down to the end of the seventeenth century, was a collection of treatises on agriculture compiled from ancient sources and translated into French.⁶⁴ Another learned printer was Guillaume Morel.

So far we have been concerned with the various forces of humanism which had their centre in Paris; but in the reign of Francis I, when the unity of the French kingdom was but of recent date, Paris had nothing like the monopoly of learning and literature which she afterwards enjoyed. She had as rivals flourishing provincial towns, of which some, until more or less recent times, had been capitals of practically independent kingdoms. Moreover, the provincial universities were, on the whole, far more favourably disposed towards the new studies than their Paris sister. At Bordeaux, where the university was at a very low ebb, an important step was taken by the transformation of the College of Arts into the College of Guienne (1533).⁶⁵ The first principal was Jean de Tartas; but it was his successor, André Gouvea (1534), who made it into one of the most enlightened and flourishing places of education in the kingdom. Such already was its reputation when Montaigne became a scholar there in 1539. Among its earliest professors were Antoine de Gouvea, a younger brother of the principal, who attained celebrity as a jurist; Jacques de Teyva, another Portuguese; Charles de Sainte-Marthe, Robert Britannus, André Zebidée, Guillaume Guérente, Jean Gélida,

⁶⁴ I have dealt with Robert and Charles Estienne more fully in the *Encyclopaedia Britannica*, s. v. Stephens.

⁶⁵ Gaullieur, *Hist. du Collège de Guienne*, 1874.

Nicolas Grouchy, the author of 'De comitiis Romanorum,' Claude Budin, and Maturin Cordier. George Buchanan and Elie Vinet both joined the staff in 1539. Among the councillors of the Bordeaux parliament were Briand de Vallée, the friend of Rabelais, and Arnoul le Ferron, who made his mark not only as a Greek scholar, but as a jurist and an historian. His continuation of Paulus Aemilius's Latin history of France, which begins with the reign of Louis XII, is praised by Ranke as the first history of a modern type written by a Frenchman.⁶⁶

Le Ferron's greatest friend was Julius Caesar Scaliger, who since 1525 had been residing at Agen, on the borders of Guienne. Here he lived in comparative obscurity, little known to the other scholars of his day. But he gradually acquired a vast store of knowledge, and when he died in 1558 he had the reputation of being one of the most learned men of his time.⁶⁷ He was, in point of fact, less remarkable for his learning, great though it was, than for his grasp of physical and metaphysical questions.

Closely analogous to the college of Guienne at Bordeaux was the new university of Nismes, which was founded in 1539 with a single faculty, that of arts. The first rector was Claude Baduel, a native of Nismes, who had got his religious opinions from Melanchthon at Wittenberg, and his educational views from Jean Sturm at Strasburg. The method of study which he inaugurated, and which was closely modelled on that of Sturm, proved very successful.⁶⁸ This new university owed much to the energetic patronage of Margaret of Navarre, and the same may be said of the university which in 1464 had been founded at Bourges, the capital of her duchy of Berry. It was for Bourges that she secured the services of the great Italian jurist Alciati, the founder of the new jurisprudence in France, of the study of the text of the Corpus Juris in place of the Gloss. He came to Bourges in the first half of 1528, and in the following year was appointed a professor with a regular salary.⁶⁹ *Ainsi vint à Bourges où estudia bien longtemps et profita beaucoup en la faculté des loix,*⁷⁰ says Rabelais of his hero Pantagruel, and it is almost certain that Pantagruel here spells Rabelais. Nor was it only in the field of jurisprudence that the new spirit made itself felt at Bourges. Melchior Wolmar was called from Orleans to fill the professorship of Greek, and Calvin, who was his pupil in

⁶⁶ For A. le Ferron (1515-1566) see Christie, *E. Dolet*, pp. 120-35; Ranke, *Zur Kritik neuerer Geschichtschreiber (Werke. xxxiv.)*, pp. 140-42.

⁶⁷ For J. C. Scaliger (1484-1558) see the article in the *Encycl. Brit.* by R. C. Christie. Thuanus, lib. xxi. c. 11, says: 'Vir quo superiorem antiquitas vix habuit, parem certe haec aetas non vidit.'

⁶⁸ See M. J. Gaufres, *C. Baduel et la réforme des études au XVI^e siècle*, 1880; Ménard, *Hist. de la ville de Nismes (1750-59)*, iv. 148 ff.

⁶⁹ For the dates see Mazzuchelli, *Gli scrittori d' Italia*, s. v.

⁷⁰ *Pant.* ii. c. 5.

1531, testifies to the excellence of his teaching.⁷¹ About the same time Conrad Gesner earned a scanty subsistence as teacher in the school which Wolmar had started at Orleans and still carried on at Bourges,⁷² having among his pupils Theodore Beza.

The university of Orleans ranked next to Toulouse as a school of law, and here Pierre de l'Estoile, who may be regarded as the pioneer of the new jurisprudence in France, began to lecture as early as 1512. Calvin attended his lectures in 1528, and probably Rabelais. The law school at Poitiers was also of some repute. Among the jurists educated there was André Tiraqueau, the friend of Rabelais, who calls him *le bon, le docte, le sage, le tant humain, tant débonnaire et equitable Tiraqueau*. It was as lieutenant-general of the bailiwick of Fontenay-le-Comte that he made the acquaintance of Rabelais and his friend Pierre Amy, friars in the Franciscan convent, who in the face of the opposition of their brethren were manfully pursuing their Greek studies, honoured by encouraging letters from the great Budé, and procuring books through Geoffroy d'Estissac, the neighbouring bishop of Maillezais. The bishop was also prior of Ligugé, near Poitiers, and his house, in which Rabelais, after he had left the convent, frequently resided, became the centre of the literary society of Poitiers.

The most celebrated law school in France was Toulouse, but it was the sanctuary of medieval jurisprudence. Accursius and Bartholus were revered names in its lecture-rooms.⁷³ There were, however, some enlightened spirits in the ranks of its professors, notably Jean de Boyssone, who introduced the new jurisprudence into this conservative stronghold. In 1532 he was accused of heresy along with his colleague Jean de Caturce, but being, like his friend Rabelais, a martyr *jusques au feu exclusivement*, he recanted, while his friend was burnt. Among the students with humanistic proclivities were Voulte, Dolet, and Matthieu Pace and Pierre Bunel, both of whom had to leave the city under stress of persecution for heretical opinions. But the pillar of humanism at Toulouse was the learned and accomplished bishop of Rieux, Jean de Pins, who generally resided there and extended a ready patronage to any promising scholar who was brought to his notice. He had studied at Bologna under Beroaldo the elder and Urceus Codrus, and according to Erasmus might have reached perfection as a writer of Ciceronian Latin, had he not been diverted from study by his public duties. He was ambassador at Venice from 1516 to 1520, and at Rome from 1520 to 1523, and was on terms of intimacy with the

⁷¹ For Wolmar see Herminjard, *op. cit.* ii. 280, n. 7.

⁷² *Bibl. Univ.* (1545), p. 180; Hanhart, C. Gesner (Winterthur, 1824), pp. 25-27.

⁷³ See Christie, *ib.* cc. iv. v. for an excellent account of Toulouse at this period, and pp. 80-89 for J. de Boyssone. Selections from his Latin correspondence have been printed by J. Buche in *Rev. des langues romanes*, xxxviii. (1895), 176 ff., 269 ff.; lxxix. 71 ff., 81 ff., 138 ff., 355 ff.; xl. 177 ff.

leading Italian scholars.⁷⁴ His tastes were shared by Jacques de Minut, the first president of the Toulouse parliament, and by Jean Bertrandi, the second president.

Montpellier, the other important university in the south of France, was famous for its school of medicine. Here Vesalius began his medical studies; here Rondelet, the ichthyologist, studied and lectured;⁷⁵ here Sylvius came to take a doctor's degree, but, grudging the expense, went back to Paris without it; here Rabelais took his bachelor's degree in 1530 and his doctor's in 1537, and lectured on the Greek text of Hippocrates and of Galen. Like Toulouse, Montpellier had the advantage of a humanist bishop in its midst, namely Guillaume Pellicier, the friend and correspondent of Rabelais, who, though a most negligent bishop, was an ardent humanist. He was a student of natural history, and contemplated an edition of Pliny, and he had a particularly fine library, the Greek manuscripts alone being 1,104 in number and filling over two hundred volumes.⁷⁶

Of all the provincial towns of France none equalled Lyons as a centre of learning and letters.⁷⁷ In the activity of its intellectual life, in the number of scholars and men of letters that congregated there, in the books which issued from its presses, it fell little, if at all, short of Paris. In some respects it was a more desirable place of residence for scholars, for it breathed an air of greater intellectual freedom, untainted by the blighting influence of the Sorbonne. It was half Italian in character. Already in the fifteenth century Italian merchants had begun to settle there; in 1528 Andrea Navagero wrote that more than half the inhabitants were foreigners, and that nearly all of these were Italians.⁷⁸ For the first thirty years of the sixteenth century the governorship of the city was held by members of the Milanese family of Trivulzi, all of whom warmly sympathised with every form of intellectual progress. In 1535 Pomponne de Trivulce was succeeded by the bigoted cardinal de Tournon, who seems to have shown less severity here than elsewhere towards heterodox opinions, and whose patronage of men of letters was as liberal as that of his predecessors.

⁷⁴ For J. de Pins (1470-1537) see Christie, *ib.* 60-73.

⁷⁵ 1507-66. His great work, *De piscibus marinis*, partly based on personal observations in the Mediterranean, was published at Lyons in 1554. He was one of the few medical professors of that time who had ever dissected; it was at his instance that a theatre of anatomy was built at Montpellier by order of Henri II.

⁷⁶ For Pellicier (*circ.* 1490-1568) see J. Zeller, *La diplomatie française vers le milieu du XVI^e siècle d'après la correspondance de Pellicier*, 1881; Montfaucon, *Bibliotheca Bibliothecarum*, ii. 1198 ff., who prints a catalogue of the Greek MSS.; Omont, *op. cit.*

⁷⁷ There is an excellent account of Lyons in Christie, *E. Dolet*, c. ix. See also Colonia, *Hist. litt. de la ville de Lyon* (2 vols. 1728-30), ii. 459-517; Perneti, *Recherches pour servir à l'hist. de L.*, 2 vols. Lyons, 1757; Bregnot du Lut, *Mélanges Biogr. et Litt. pour servir à l'hist. de L.*, 2 vols. Lyons, 1828-31; Monfalcon, *Hist. de la ville de L.* (2 vols. 1847) i. c. 6; Buisson, *S. Castellion*, c. ii.

⁷⁸ Tommaseo, *Réc. des amb. vén.* i. 36.

Among the distinguished men who inhabited Lyons during the reign of Francis I were Symphorien Champier, a bad poet, but a good physician and writer on medical subjects, an eager antiquarian and editor of ancient chronicles and records of chivalry, and a warm sympathiser with the new studies;⁷⁹ the three brothers, Matthieu, Georges, and Jean de Vauzelles, and their friend Jacques de Vintimille, the translator of the 'Cyropaedia';⁸⁰ Sanctes Pagnini, the hebraist; Guillaume de Choul, the archæologist; Benoist Court, the witty commentator of the 'Aresta Amorum'; the physicians Pierre Tolet and Jean de Canappe; Maurice Scève and his brother Guillaume; and the architect Philibert Delorme, who adorned his native town with various buildings until he was carried off to Paris by cardinal du Bellay.

Lyons did not possess a university, but in 1529, partly through the exertions of Symphorien Champier, a college was founded of the same character as the college of Guienne at Bordeaux. It was called Trinity College, and from the first had a great influence on the development of humanistic studies. The first principal of any note was Jean Raynier, a native of Angers; but Barthélemi Aneau, the professor of rhetoric since the foundation of the college, was its guiding spirit. He became principal in 1553.⁸¹

Another illustrious native of Lyons was Jean Grolier de Servier, vicomte d'Aguizy. Budé's 'De Asse' was dedicated to him, and it was at his expense that an edition of it was printed at the Aldine press (1522). His library, containing over three thousand volumes, must have been the finest private library in France.⁸² Jean de Vauzelles and Guillaume de Choul had also good libraries.

The chief printer and publisher of Lyons was Sebastian Gryphius, whose services to humanism were inferior to those of no other French printer. Himself a good Latin scholar he especially devoted himself to the printing of Latin classics, which he was the first to issue largely in pocket editions. He was the publisher of Pagnini's Hebrew lexicon and Dolet's 'Commentaries on the Latin Tongue.' Dolet and Rabelais were both employed as correctors to his press.⁸³

⁷⁹ For S. Champier (1471-2—*circ.* 1538) see Allut, *Etude sur S. C.* (Lyons, 1859).

⁸⁰ See notices by L. de Vauzelles of M. de V. (Lyons, 1870), J. de V. (Lyons, 1872), Jacques comte de Vintimille (Orleans, 1865).

⁸¹ For the college and for B. Aneau see Buisson, *ib.* pp. 17-24; Bregnot du Lut, *ib.* pp. 189 ff. Aneau wrote Greek and Latin verses, and translated the third book of the *Metamorphoses*, the *Emblems* of Alciat, and More's *Utopia*. He was murdered by the populace in 1561 on the suspicion that he was a protestant.

⁸² For Grolier (1479-1565) see Thuanus, lib. xxxviii. c. 14; Le Roux de Lincy, *Recherches sur Jean Grolier*, 1866. His library was preserved in the Hôtel de Vic till 1676, when it was sold by auction. His copy of the Aldine *De Asse* is in the Rylands (late Althorp) library.

⁸³ Inter tot nōrunt Libros qui cudere, tres sunt
Insignes : languet caetera Turba fame.
Castigat Stephanus, sculpsit Colinaeus, utrumque
Gryphius edocta mente manuque facit.

Other Lyons printers of note with humanistic sympathies were Guillaume Roville, who married Gryphius's daughter; Jean de Tournes, for many years his foreman; and Jean Frelon. Above all there was Estienne Dolet, who set up a press in 1538. The life of this interesting man has been told by Mr. Christie⁶⁴ with such a rare combination of accurate learning, searching criticism, and generous sympathy, that there is no French humanist about whom we have such complete information. If his tragic fate has given him an interest somewhat greater than either his character or his attainments deserve; if his vanity, egotism, and quarrelsome temper make it difficult to accord him unreserved sympathy, still the high enthusiasm for learning and sincere devotion to its interests, which make him so typical a figure of the Renaissance, must at any rate command our admiration. His 'Commentaries on the Latin Tongue' (1536-38) are a solid piece of work, and in the words of Mr. Christie 'one of the most important contributions to Latin scholarship which the sixteenth century produced.'⁶⁵

One of Dolet's most virulent and indecent attacks was made upon Erasmus⁶⁶ in answer to the 'Ciceronianus,' in which Erasmus had justly criticised the slavish admiration entertained by many Italian scholars for Cicero's style. His book took the form of a dialogue between Sir Thomas More and Simon Villanovanus in defence of Longolius. In fact, Villanovanus and Longolius were almost the only two scholars born this side of the Alps who had any reputation as Ciceronians, and whose letters were thought worthy of being printed with those of Sadoletto and Bembo. They were both Flemings, and both died young in the first half of Francis I's reign. Christophe de Longueil began life as a professor of law at Poitiers, but he renounced the law in order to devote himself to the study of Pliny the elder. With that object he learnt Greek, and read every ancient author who had written on natural history. Then he travelled over various countries in Europe in order to verify Pliny's geographical statements. But, coming to Padua in 1518, he was persuaded to devote himself to the study of Cicero, and for the rest of his life he read no other author. He died at the age of thirty-two in the house of Reginald Pole, the future cardinal, who wrote his life.⁶⁷ He held an unofficial professorship of Latin, in which he was succeeded by Simon Villanovanus, a man

⁶⁴ *Etienne Dolet*, 1880; new and revised edition, 1899. I know no single book which gives so graphic and so faithful a picture of French humanism; see pp. 175-8 for S. Gryphius. ⁶⁵ For a full account and estimate see *ib.* 242-88.

⁶⁶ See for the whole controversy Christie, *ib.* c. x. Dolet's book was not published till seven years after the *Ciceronianus*, i.e. in 1535.

⁶⁷ The life, which is anonymous, was published in 1524, together with Longolius's orations and four books of his Latin letters. The volume also comprised a book of letters by Bembo and Sadoletto. Erasmus's copy is in the Cambridge University Library.

of considerable reputation in his day, not only as a Ciceronian, but generally as a scholar. He died in 1530, at the age of thirty-five, to the great grief of Dolet, who for three years had attended his lectures and lived with him in the closest intimacy.⁸⁸

Neither of these two Ciceronians was, as we have seen, strictly a Frenchman. The only man born in France proper who attained to fame as a writer of Ciceronian prose was Pierre Bunel, who was attached to the suite of Georges de Selve at Venice, and afterwards lived with him at Lavaur till his death in 1541.⁸⁹ He died himself at Turin not long afterwards, and a collection of his Latin letters was published by Charles Estienne.⁹⁰ To Bunel, perhaps, may be added Robert Britannus, a native of Arras, and a professor at Bordeaux, who was a great admirer of Cicero, and, without being a Ciceronian, a writer of Latin prose. His letters, published in 1540, are one of the sources of information for the progress of humanism at Bordeaux and elsewhere.⁹¹

The first place among French writers of Latin verse—at any rate, after the death of Brixius—was deservedly held by Jean Salmon, a native of Loudun in Poitou, who, having been nicknamed Maigret on account of his thinness, latinised his name into Salmonius Macrinus. His admirers spoke of him as the French Horace. He seems to have had less ambition and greater modesty than most of his brother Latin poets, and was content to lead a quiet domestic life, writing his best lyrics to his wife, who in return bore him twelve children. In one of his odes he enumerates the chief Latin poets of France as follows:—

Iam suo gaudet Genabum Doletō,
Brixio fratres Hedui, Latinis
Borboni salsis elegis tumescunt
Vandoperani.
Dampetro flavus Liger et iugosi
Bloesii, Rhemi tuo honore, Vultei,
Versibus tellus quoque gloriatur
Julia nostris.⁹²

Jean Dampierre lived in the neighbourhood of Toulouse; he practised for some years with success as an advocate, but took

⁸⁸ See Christie, *ib.* 27–35. From the fact that P. Bunel calls him 'Belga,' Mr. C. conjectures that he was a native of Neufville in Hainault, and rightly points out that this is no objection to his being identified with *le docte* Villanovanus François who is mentioned by Rabelais as a man who never dreamt (*Pant.* iii. c. xiii.).

⁸⁹ P. Bayle has an interesting article on Bunel (1499–1546); he was a friend of Montaigne's father. See also Sammarthanus, *Elogia*.

⁹⁰ *P. Bunelli familiares aliquot epistolae*, 1550. His letters were republished by H. Estienne in 1581 with those of Paulus Manutius, Longolius, Bembo, Sadoletto, and others.

⁹¹ *Roberti Britannii Atrebatensis Epistolarum libri duo*, Paris, 1540.

⁹² Another ode begins:

Brixi, Dampetre, Borboni, Dolete,
Vultei que operis recentis author.—*Del. poet. gall.* ii. 478.

Joseph Scaliger said 'Macrinus ὀδῶν scriptor optimus,' but 'Doletus et Borbonius poetae nullius nominis' (*Prima Scaligerana*).

orders and became director to a convent of nuns.⁹³ Nicolas Bourbon of Vandœuvre in Champagne is interesting to Englishmen as the tutor of Lord Hunsdon and the Dudleys, and as the friend of Bishop Latimer and Dean Boston.⁹⁴ He was afterwards tutor to Jeanne d'Albret. Vulteius's real name was Jean Visagier. After studying at the college of Sainte-Barbe and holding for a short time a post as lecturer in the new college of Guienne at Bordeaux he studied law and practised as an advocate at Toulouse. He was assassinated in 1542 at the age of thirty-two.⁹⁵ Of less repute than the above, but scarcely inferior in merit, were others whose poems find a place in Gruter's collection, such as Antoine de Gouvea, Gilbert Ducher,⁹⁶ Simon Vallambert, a Burgundian doctor, and Claude Rousselet, a Lyons lawyer.⁹⁷ But the best Latin poetry written in France during this period, except Macrin's and perhaps Voulte's, was that of Theodore Beza. It may be noticed that with the exception of the 'Carmina' of Brixius, which appeared in 1519, none of his Latin poetry was published before 1528, and that a large proportion of it belongs to the two years 1537 and 1538. After 1540 there was a cessation, until Beza's 'Poemata' appeared in 1548.

The solid fruits of French humanism during the reign of Francis I were the establishment of royal professorships providing gratis the best available teaching; the systematic collection and multiplication of Greek manuscripts, and the printing of Greek books; the publication of Budé's 'Commentaries'; the foundation of a new university at Nismes and two new colleges at Bordeaux and Lyons, in which the teaching was based on humanistic principles. Three of these important events belong to the year 1529; it was in the same year that Francis I made his first acquisition of Greek manuscripts, and it was in the preceding year that the work of printing Greek books made a definite start. The college of Guienne was founded in 1533, and the university of Nismes in 1539. It is therefore to the year 1529 that we may assign the successful issue of the work that Budé and his friends had carried on so gallantly. Budé might now have sung his 'Nunc dimittis.' Some years were still to elapse before France could boast of really critical scholars, such as Turnebus and Lambinus, Cujas and Henri Estienne. But teachers, dictionaries, manuscripts, and printed books had been provided; the whole field of antiquity had been turned up; there was a passionate enthusiasm in the workers; everything presaged a rich harvest.

ARTHUR TILLEY.

⁹³ See Vulteius, *Hendecasyllaborum* lib. iv. (1538) 22 v°.

⁹⁴ See G. Carré, *De Vita et Scriptis N. Borbonii*, 1888.

⁹⁵ For Vulteius (c. 1510-1542) see Bouillet, *Biographie ardennaise*, 2 vols. 1830. For his real name see *Revue d'hist. litt. de la France*, i. 530. Gaullieur had already suggested the possibility of this (*op. cit.* 119, n. 2).

⁹⁶ For Ducher see Buisson, *op. cit.* pp. 29-32.

⁹⁷ For Rousselet see Bregnot du Lut, *op. cit.* ii. 349 ff.

The Foreign Policy of England¹ under Walpole

PART II.

ADVOCATES of the blessings of mediation or arbitration instead of war will find sorry comfort in contemplating the proceedings of the congress of Cambray. As originally conceived it was part of the scheme concerted between England, France, Holland, and the emperor to moderate the excessive ambition of Spain, but by the time the congress met it had become an instrument by which France and England hoped to obtain from the emperor at best partial satisfaction for Spain, and finally, as in a quarrel between husband and wife, in which the benevolent bystander foolishly attempts to interfere, the opposing parties, Spain and the emperor, disgusted at the mediators' futile attempts at conciliation, settled their own disputes, and, turning on the would-be peace-makers, created a general disturbance throughout Europe. But though this congress was entirely ineffective in its results its history is interesting as an illustration of the general trend of English policy at the time, especially in respect of the French alliance and the attempt at a complete understanding with Spain.

In August 1717, on some frivolous pretext, a Spanish army was landed in Sardinia, and conquered that island with the greatest ease. Thereupon France and England, uncertain whither the restlessness and ambition of Spain might lead her, immediately entered into negotiations with the emperor, who was then distracted by a war with the Turks. In August of the following year these three powers signed a treaty which, on being joined by Holland six months afterwards, was called the quadruple alliance. This treaty was an attempt to recast the treaty of Utrecht where it had been found defective, and to make a permanent settlement of the disputes which were a constant menace to the peace of Europe. The chief points of this treaty were as follows:—

¹ Owing to the author's absence abroad this article has not enjoyed the advantage of his revision in type.—ED. E. H. R.

1. Spain was to restore Sardinia as it was before the aggression of 1717.

2. The king of Spain was to renounce all claims on the Low Countries and Italy, and all rights of the emperor, agreed to by the treaties of Rastadt and Baden; while the emperor was to resign his claims on Spain and the Indies, on the understanding that France and Spain should never be under the same king or kings of the same line.

3. Tuscany, Parma, and Placentia, on the extinction of the present lines of rulers, were to become male fiefs of the empire, and to descend to Don Carlos or other sons of Elizabeth Farnese, and the emperor was to give the investiture of these states to Don Carlos within two months of the signing of the treaty; but these possessions were never to come to the king of Spain.

4. To secure a tranquil succession neutral garrisons were to be placed in these states and in Leghorn, which was to be made a free port.

5. An exchange was to be effected between the emperor and the king of Sicily, whereby the former was to have Sicily and the latter Sardinia.

6. Plenipotentiaries were to be sent by the contracting parties to a congress at which all subsidiary questions in dispute were to be arranged under the mediation of England, France, and Holland.

7. Other powers, notably Portugal, were to be admitted. This was followed by supplementary articles by which Spain was to be forced, if necessary, to accede to this treaty, under pain of forfeiting the advantages offered her.²

To this treaty the king of Sardinia, as he now became, adhered with considerable reluctance in 1718; but Spain had to be defeated before she would consent to it. On 11 Aug. the great fleet laboriously brought together by Alberoni was destroyed by Admiral Byng off Cape Passaro, and it required an actual invasion of Spanish territory to induce the king and queen to dismiss Alberoni and treat for peace. At last on 20 May 1720 Philip acceded to the quadruple alliance and made immediate preparations for the evacuation of Sicily and Sardinia.³

At this point the tactics of France and England underwent a change. So far they had been forced to support the emperor and to coerce Spain in the interests of peace, but as soon as Spain was brought to reason the emperor had to be treated as the recalcitrant party. He had now obtained what he wanted without any exertion on his part, as Spain had been driven out of Italy and he was put into possession of Sicily; but he felt in no way inclined to pay the price he had agreed upon. Accordingly he immediately made

² See Baudrillart, ii. 298; 'Treaties from 1713 to 1734'; Add. MS. 33006, ff. 492-505.

³ Baudrillart, ii. 401.

difficulties about granting the investitures of Parma, Placentia, and Tuscany to Don Carlos ; and England and France, partly from a determination not to allow the emperor to attain such a predominance in Italy, made a close treaty of alliance with Spain in June 1721. By this treaty of Madrid the three powers guaranteed one another's possessions, special protection was to be given to the duke of Parma, and while French commerce had all its privileges restored it was especially stipulated for England that all the commercial advantages she formerly enjoyed should be confirmed, and that losses incurred by British traders in Spain in 1718 should be made good.⁴ Previously to this France had agreed by a separate treaty with Spain to the effect that the French and Spanish plenipotentiaries should act in concert at Cambray, that Spain should, if possible, persuade the other powers to allow Spanish instead of neutral garrisons to be introduced into Italy, and that France would employ her good offices to get the restoration of Gibraltar to Spain.⁵

Under these circumstances the various powers concerned sent their plenipotentiaries to Cambray at the beginning of 1722 ; but the formal proceedings did not actually commence till two years later. There is a bundle of papers preserved at the Record Office⁶ which gives an amusing picture of the way in which these two years were spent at Cambray. The plenipotentiaries had hardly anything to do during this time, as the emperor would not send the promised investitures and Spain would not consent to any business being done until these were forthcoming ; so they employed their time in entertaining one another and in trying to illustrate the superior dignity of their respective masters by an exaggerated punctilio on small matters of ceremony. The senior English plenipotentiary, Lord Polwarth, who afterwards succeeded to the earldom of Marchmont, arrived on 25 March 1722, and an elaborate description was sent home of his solemn entry into Cambray, of the dignitaries who came to meet him and the honours they paid to him, of the order of his carriages and of the number of lacqueys who attended him. This is followed by a list of his domestics and lists of the domestics of the other plenipotentiaries, including their cooks and their heyducs, their secretaries and their scullions, their laundresses and the maids who mended their linen, and all the other attendants, from majordomos to waiters. Then follow accounts of the visits of ceremony on arrival paid by the different plenipotentiaries to one another, special mention being made of the exact degrees of courtesy paid by the host to his visitor and *vice versa*, in such matters as the amount and manner of the hand-shaking done, the exact place in the house where the two solemn gentlemen met, and the seating accommodation offered by the host to his visitor. Evidently a very important part of these proceedings was the etiquette

⁴ Add. MS. 33006, p. 494.

⁵ Baudrillart, ii. 455.

⁶ R. O., France, 366.

on leave-taking: it would appear to have been the custom for the host, in spite of feigned protests, to accompany his guest to the doorstep, and to wait there just so long only as to see *rouler le carrosse*. Sometimes a visitor might come for whom it was difficult to decide the exact amount of etiquette necessary; such was the cardinal de Polignac, who, however, showed himself a man of the world by the skilful way in which he cut the Gordian knot for himself. He had come to pay a flying visit to Cambray, where he seems to have made himself very agreeable and to have enjoyed himself exceedingly. Among other things he came to call on the English ambassador. He was a prince of the church, it is true, but the plenipotentiaries represented kings. Would it do to see his *carrosse rouler* too? Here was a dilemma, happily solved, however, by the cardinal, who took the opportunity of leaving when the ambassador was escorting a lady out across the courtyard. Then from time to time princely entertainments would be given, at which the object of each host was rather to outdo his rivals than provide them with amusement. Lord Polwarth is of opinion that his own entertainment, at which music was given, the grounds were illuminated, fountains played, and a sumptuous supper was served, was the most magnificent. His colleague, Lord Whitworth, who arrived on 12 Oct. 1722,⁷ seems to have found the constant course of high living rather disturbing to his digestion; so he thought it necessary to diet himself, and for this purpose sat at a side table by himself and rose before the others, 'which nobody takes amiss;' and finally, in June 1723, he got leave to go and 'drink the waters of the Spaw,' as he had a disordered stomach, from too much eating, and feared palsy; and as there was nothing doing at Cambray he stayed there four months. It was not, therefore, without reason that Lord Polwarth and Lord Whitworth had advised Lord Carteret in April how unnecessary it was for the Spanish negotiator to come, 'as it would only end in eating and drinking and other civilities,' whereas all the real business was being carried on in London.

However, in the same month there was a flutter of mild excitement to disturb the tranquillity of Cambray, and an opportunity was afforded to the plenipotentiaries to display their diplomatic capacities. The pope claimed the suzerainty of Parma, and naturally objected to the high-handed manner in which his rights had been handed over to the emperor in the quadruple alliance; so he sent an emissary to Cambray, the abbé de la Rota, with instructions to enter his protest. But when the abbé arrived none of the plenipotentiaries would have anything to do with him, as the pope had no status at the congress; so he gathered the magistrates of the city together, made a speech to them, and laid his protest before them. The magistrates, highly elated, no doubt, at being called

⁷ Baudrillart, ii. 527.

upon to interfere in the affairs of Europe, not only listened to all the abbé had to say, but took act thereof and printed and published the same in a pamphlet, a copy of which is still preserved at the Record Office. The abbé then departed from Cambray, leaving his little sting behind; but the magistrates soon repented of their presumption in meddling with affairs of state. They were given to understand that their interference was an impertinence, and they had to make a round of visits to all the plenipotentiaries to excuse their conduct. The English ambassadors cut them short, and told them they knew nothing about the matter and did not want to hear about it; but although their official ignorance was so excessive they managed to send home a full account of the matter. Even when the congress was opened on 26 Jan. 1724, after the arrival of the investitures, nothing of any importance was done for the first three months, but the mediators, France and England, discussed and drew up *règlements de police* for the ordering of things at Cambray so that the suites of the different ambassadors should not openly come to blows. Thus there was to be no precedence; each carriage was to set down its occupant as it drove up, but special injunctions were laid down that the coachman was to drive away immediately afterwards and not block up the passage. Similar minute directions were laid down to deal with the case of two carriages meeting in a narrow street and such matters.⁸ They also had much at heart their own relative position, as is proved by a paper entitled 'Observation of the Methods used at the Congress of Cambray for preserving the Equality between the Two Crowns of England and France, then Mediators.' From this paper it appears that the answer proper of each power was safeguarded by the device of alternately putting the title of each crown first in official documents and by the system of sitting *pêle-mêle* at the congress. All these details are unimportant in themselves, but they are amusing as an indication of the sort of life led at Cambray, and also interesting for the light they shed on the causes of the failure of the congress. Europe was still in such an unsettled condition that no power felt secure enough of its own position to despise even the prestige which titles and ceremonial were supposed to carry with them. But with this disposition to insist beyond everything else on punctilio which the negotiators exhibited throughout it is hardly wonderful that the congress was abortive, even if there had been no principles involved too important to be dealt with by such a cumbersome method of negotiation.

The most important business to be settled before the congress could begin its work was to extract the investitures out of the emperor. It had been stipulated that these should be sent within two months of the ratification of the treaty, and, as the treaty had

⁸ R.O., Treaty Papers, 115.

been ratified by Spain in 1720, it required all the elaborate chicanery at which the imperial chancery was so great an adept to delay their despatch for over three years. The first serious attempt to obtain them was made in October 1722, when the English and French plenipotentiaries at Cambray made a formal demand for them from the imperial representatives; Spain having refused to do so on the ground that it would not be consonant with her dignity to ask for something which might be refused. By the end of the year the emperor had obtained the consent of the diet of Ratisbon to the scheme, and in February it was sent to Cambray, but clogged with two conditions which could not be admitted. The first was that the emperor claimed the present suzerainty over Parma and Tuscany, whereas by the terms of the quadruple alliance he would only claim it when the direct male lines came to an end; the second was a stipulation that Don Carlos should ask for a renewal of the investiture when the succession fell vacant. Finally, yielding to the categorical demands of England, France, and Spain, the emperor agreed in November 1723 to grant the investitures in the form demanded, on condition that England and France would guarantee the performance by Don Carlos of his obligations.⁹ Accordingly on 26 Jan. of the following year the congress was able to hold its first meeting.

There were also other minor questions, which had already given rise to a good deal of discussion, and which were left over to the congress for decision. The immediate suzerainty claimed by the emperor over Parma and Tuscany was warmly contested by the mediators on behalf of Spain and the duke of Parma himself. Quite early in 1721 the matter was being discussed in London. the Parmesan envoy pointed out, and Lord Carteret admitted the force of his reasoning, that the feudality to the emperor was only promised by treaty on the succession of the Spanish line; and he further pointed out that the emperor's envoy, though often present at the annual payment of the sum of 16,000 crowns by Parma to the pope in token of feudality, had never protested.¹⁰ Spain naturally supported this contention, as she saw how dangerous it might be for the integrity of Parma if the emperor obtained a hold over it as feudal lord before Don Carlos had succeeded. It was also in Don Carlos's interest that Spain earnestly supported the claims of Parma to Castro and Ronciglione. These places had formerly been handed over to the pope as security for a loan, and though a former pope had agreed to hand them back to Parma by the treaty of Pisa in 1664 this had not been done; ¹¹ now Spain

⁹ See Baudrillart, ii. 526 *seq.*

¹⁰ R.O., France, 368a. Gazola to Carteret, 8 March, and Carteret to Gazola, 16 March 1721.

¹¹ R.O., France, 368a. Gazola to Carteret, 12 March 1721.

offered to pay the amount of the loan, and still the pope obstinately refused to yield them up. As to Tuscany, the difficulty was of a different nature: the duke of Tuscany in 1722 protested against the disposal made of his territories, and expressed his intention of leaving them to his sister, the electress palatine, as he had originally intended. There were also in Italy some disputes about the right of the emperor to dispossess certain small princes; but these difficulties do not appear to have troubled the negotiating powers very greatly, perhaps because they were not of very immediate interest to themselves. All these questions, as well as others left at issue between the emperor and Spain from the war of the Spanish succession, though much discussed in the three years which preceded the congress, were left for final settlement to the deliberation of that assembly.

When the congress met on 26 Jan. 1724 it was solely for the purpose of exchanging full powers. But even here the difficulties began on the side of the emperor. In the enumeration of his titles it was found that he called himself count of Artois and landgrave of Alsace, pretensions which the French naturally refused absolutely to recognise; and in the second place he took no notice of the mediation of England and France.¹² This suspended the conference for nearly three months, an interval which was utilised by the emperor in proving his suzerainty over Tuscany by offering the investiture of Sienna to the grand duke, and by Spain in intriguing for an improved position for Don Carlos in Italy. However, in the end the emperor yielded in the two points objected to, and on 6 April the congress made a fresh start. The first business was for Spain and the emperor to hand over their respective demands to the mediators for transmission to the other. The Spanish demands were eighteen in number. Many of them were chiefly about unimportant matters concerned with the exchange of territories; others claimed the renunciation of the title of king of Spain by the emperor and the sole control of the order of the Golden Fleece by Spain, the restitution of palaces in Rome, and the confirmation of various titles and pardons given in Rome; the rights of the duke of Parma were insisted on and restitution demanded for various Italian princes, such as the dukes of Mantua and Mirandola and others who had followed the fortunes of Spain in the war of the Spanish succession, and the passage of Don Carlos to Italy was to be arranged for at once; the only novel demand of importance was that the garrisons to be introduced into Parma and Tuscany should be Spanish instead of neutral. The emperor's demands, which were fourteen in number, ranged over similar subjects: the order of the Golden Fleece was claimed and

¹² Cp. for all this section Baudrillart, iii. 67 *sq.*, and R.O., Treaty Papers, 115 (Cambray).

amnesty required for certain Spaniards who had followed the emperor's side; certain palaces in Rome and the liquidation of some debts in the Low Countries were claimed, and free commerce with Spain asked for the emperor's subjects. As in the demands of Spain there was here also an important new requirement, that the succession to the Austrian dominions as laid down in the pragmatic sanction should be agreed to. With these demands of the principal disputants were handed in the grievances of the duke of Parma and the king of Sardinia. The duke of Parma's long paper of claims contained little of any importance except a request for the restitution of Castro and Ronciglione from the pope, in accordance with the treaty between Louis XIV and Alexander VII, and an insistence that the suzerainty of his dominion should not go to the emperor until Don Carlos succeeded; while the king of Sardinia was anxious to get his possessions and titles confirmed and to have some artillery which the Spaniards had appropriated in Sardinia restored to him.

When these demands had been duly put the Spanish and imperial representatives handed in their respective answers, which in both cases amounted to a categorical refusal of all the demands of their adversaries. As for the duke of Parma's pretensions, the emperor haughtily refused to have anything to say to them unless the duke humbly presented them at Vienna as a vassal. The English and French plenipotentiaries as mediators put all their influence on the side of Spain, especially in view of the emperor's unjustifiable claims about Parma. The English had also a special reason for wishing to support Spain against the emperor in their desire to obtain Spanish support against the emperor's Ostend company. This company had been established by the emperor in 1722 to make up to his subjects in the Netherlands for the loss of their trade with the Indies. But it was strongly resented by the Dutch and the English as an encroachment on their trading privileges, and was declared to be in contravention to the treaties of Westphalia and others.¹³ Spain was equally eager to suppress the company, and was only restrained by the joint persuasions of France and England, who thought the moment inopportune, from bringing up the matter in the congress.¹⁴ However, no progress was made, owing to the emperor's continued obstinacy about Parma. By October matters came to a deadlock when the mediators had pointed out that the suzerainty claimed was only eventual on the succession of Don Carlos,¹⁵ and the emperor's representatives had entered a solemn protest against this view. After that no further business was done at Cambray by the ambassadors of the powers who still remained there, although the congress was not formally

¹³ Add. MSS. 32739, f. 195, and 32730, f. 360, and cp. Baudrillart, iii. 75.

¹⁴ Add. MS. 32739, f. 195.

¹⁵ Baudrillart, p. 117.

at an end and direct negotiations were still carried on between the different courts.

On the one hand England still attempted to meet the difficulties on the basis of what had already taken place at the congress. The duke of Newcastle saw very clearly that it was from the emperor's side that the chief obstacles came in the way of an accommodation, and that very largely because he was not convinced of the real unity of purpose between the mediators, or of their intention to insist on his submission. In a despatch of ^{26 Oct.}_{6 Nov.} 1724¹⁶ to Horace Walpole the duke sets forth the crucial difficulties of the situation, which are, first, that the emperor does not think the union of England and France secure; secondly, that the emperor does not believe they will go to war during the minority of Louis XV; and thirdly, that he has the duke of Parma at his mercy. He then proceeds to show¹⁷ that a public announcement of the alliance now almost completed with Russia would undeceive the emperor in his reliance on the first two points; and it is for this reason that he is constantly impressing on France the necessity of overt acts to prove the reality of the alliance, such as the formation of a great northern league to overawe the emperor and to be effected by joint treaties with the czar and with Prussia: otherwise, as he says, it will be impossible to persuade the emperor that France and England are united at Cambray.¹⁸ The last difficulty is certainly, he admits, a crux: the emperor has it in his power at any moment to pour troops into the duchy of Parma, while the allies are too far off to make any effective resistance in such an eventuality. The only method he can suggest for surmounting it is for the allies to formulate the duke of Parma's claim to be freed from allegiance to the emperor, and so to pave the way for the introduction of neutral troops and Don Carlos's succession. So far as was possible he carried out his suggestion: he points out that former emperors had already admitted that the dukes of Parma owed them no allegiance, and that it had been expressly stated in the terms of the quadruple alliance that nearly all the fiefs of Parma depend on the pope's, not on the emperor's, superiority, and he is very reasonable in trying to make things easy for Parma and the emperor.¹⁹ To all his suggestions he is careful to add the proviso that France should have the final decision on the representations to be made—a sufficiently safe stipulation, as the English suggestions were almost invariably approved of by the French ministers. On other less important questions, such as the grandmastership of the Golden Fleece, the grandees of Spain, confiscated estates, and the titles of the emperor and king of Spain, which caused a good deal of ill-feeling between Spain and the emperor,

¹⁶ Add. MS. 32741, f. 126.

¹⁸ *Ibid.* 32740, f. 25.

¹⁷ *Ibid.* 32741, f. 19.

¹⁹ *Ibid.* 32741, f. 126 and *passim*.

he displayed much prudence in the compromises he suggested to satisfy both parties.

On the other hand the moderate amount of patience possessed by Philip and Elizabeth of Spain had long been exhausted by the dilatory methods of a mediation which had now lasted for four years without producing any fruits, and they resolved to secure their objects by more direct methods of negotiation. They first tried the obvious course of appealing to England and France for more direct help, and in September 1724 despatched the count de Montel on on a secret mission to Paris and London. His instructions were to demand the immediate introduction of Swiss garrisons into Parma and Tuscany, and to allow Don Carlos to be admitted into Parma during the lifetime of the reigning duke ; and that in case the emperor objected England and France should be prepared to assist Spain effectively in Italy. With the singular fatuity, however, which so often characterised the Spanish policy, this request for assistance from England and France was accompanied by a peremptory demand for the restitution of Gibraltar, which was not calculated to prepossess either power in favour of the new proposals. It will also be noticed that, apart even from the question of Gibraltar, Spain expected the allies to undertake most of the burden both by diplomacy and by arms in securing a purely Spanish object, without offering them any *quid pro quo*. However, the French court, willing to gain time, returned an evasive answer in October, and it was left to the duke of Newcastle to declare that the scheme was impossible, as it was contrary to the engagements taken by the mediating powers.²⁰

But as soon as the Spanish court had seen that Montel on's mission was unlikely to come to a successful issue, and even before this final refusal had reached them, they had already engaged in a last desperate attempt to effect their purpose by an absolute change of front. The whole object of the mediators had, it is true, been to reconcile Spain and the emperor, and as far as pious opinions and diplomatic subtlety went the claims of Spain were supported as the more reasonable. But the queen, not unnaturally disgusted at the profitless verbiage of the negotiations, determined to go behind the back of the mediators and to arrange a treaty with the emperor not only without their interposition but against their interests. If she succeeded the tables would be turned on them in grim earnest. The scheme was indeed a master-stroke of topsy-turvy diplomacy, and for its audacity alone the queen deserved more success than she gained by it. The instrument chosen to carry on the negotiations was a certain baron de Ripperda, a Dutchman who had first come to Madrid as an envoy of the States, and had then changed his

²⁰ Add.MS. 32742, f. 54.

religion and entered the service of Spain as a subordinate of Alberoni. Since his patron's disgrace he had been thrown into the shade, but at this juncture was called out as a person whose insignificance would not attract attention to the singularity of his mission. At the end of November 1724 this man was secretly despatched to Vienna with instructions to see what could be effected by direct negotiation with the emperor. His instructions were not limited to obtaining the introduction of garrisons and the succession of Don Carlos, but he had persuaded the king and queen, who were only too ready to listen to him, that by a close alliance with the emperor they could obtain the fulfilment of all their wishes. To the king it was suggested that a close connexion with the emperor would enable him to drive the English from Gibraltar and Minorca, and to break down the English monopoly of trade with his colonies by means of the Ostend Company; to the queen was held out the dazzling prospect of the marriage of her two sons, Don Carlos and Don Philip, with the two eldest archduchesses.

Ripperda from the first showed that he meant to have a large part in directing as well as in conducting the negotiations. He was, however, a man better fitted for a comic opera company than for a serious intrigue of this delicate nature, and from his first arrival in Vienna he appears to have adopted such elaborately ostentatious precautions for secrecy that his presence soon became known, and some hints of his negotiations leaked out. However, the gravity of the business on which he was engaged was not understood in Paris or London until in April 1725 the treaties of Vienna were signed. Throughout the negotiations Ripperda showed himself determined to make a treaty at all costs, while the imperial chancery showed itself by no means so eager to upset the policy to which it had become wedded; and though the emperor was perfectly willing to accept all that the court of Spain offered him, and, owing to the maritime powers' opposition, was inclined to gain support for the Ostend Company from Spain, he would not commit himself to any definite promises in return. So meagre indeed were the concessions obtained from him after months of negotiation, especially with regard to any definite promise of his daughters' hands, that even Ripperda would hardly have dared to take back the only treaties he could prevail on the emperor to sign, had it not been for an unforeseen circumstance, which aroused Philip and Elizabeth's violent indignation and made them in a mood to accept anything.

Since 1722 the infanta, daughter of Philip and Elizabeth, had been in France as the future bride of Louis XV, in accordance with the treaty of marriage made by the regent with Philip V. But the duc de Bourbon had long regarded the engagement with disfavour, as the infanta was only nine years old, so that a marriage was out

of the question for several years to come. He was not indeed so much concerned at the delay for the king's sake as for his own, as he feared that if the king, who was delicate, should die without children his enemy the duc d'Orléans would succeed to the throne. However, though he had for some time been meditating a marriage with more immediate prospect of offspring for the king, nothing had been decided, until a sudden illness of the king precipitated the crisis. The well-known story of the occasion which prompted the duke to send back the infanta illustrates the poltroonery and narrow selfishness of the minister, and is characteristic of the haphazard way in which grave questions were then decided in France. One night, on an alarm of a serious turn in the king's condition, the duke was hastily summoned to his bedside, where his first and only thought seems to have been an apprehension for his own future. 'If the king dies what will become of me?' was his cry, and he vowed that if the king recovered he should be married immediately, and the infanta should be sent back to Spain. Nevertheless even after this decision had been taken he kept assuring the Spanish ambassador that the formal betrothal would shortly take place, and up to the last moment no single step had been taken to soften the blow which the affront of sending back the infanta would be to the Spanish king. Finally in March 1725 preparations were made to send her back, and the French envoy without any previous warning informed Philip and Elizabeth of the determination arrived at by the French ministry.²¹

The affront to Spain would not have been so grievous if some attempt had been made to soften the blow. Philip at least was enough of a Frenchman at heart to have come to see that there might be reasons of state which rendered a long delay in Louis's marriage inadvisable; but such a summary return of the infanta as if she were little more than a bale of damaged goods was an insult such as the meanest power would have resented. To Philip such an outrage was especially bitter as coming from his own country, while to the queen it only added fuel to the resentment she already felt against the French ministry for their hesitating support to Don Carlos. On receipt of the news Philip and Elizabeth refused even to look at the letters of excuse sent from France, but dismissed the French envoy, recalled their own ambassador from Paris, and broke off all relations with France. Further, they declined any longer to accept the French as mediators at Cambray and offered the sole mediation to England if she would disassociate herself from France.

England had a difficult choice to make then, whether to remain faithful to the French alliance or to cast in her lot with Spain. Undoubtedly the more immediately plausible course, which was

²¹ Baudrillart, iii. 163.

advocated by no less a person than Horace Walpole, our ambassador in Paris,²² was to accept Spain's offer. France could hardly have blamed us for taking advantage of a position which was not of our making, and Spain might have been expected to show us tangible gratitude if we afforded her the opportunity of taking so signal a revenge on France; while it must be remembered that the chief advantage England expected from the settlement of the European difficulties was to secure her own trade by the satisfaction of Spain. The other course was to remain loyal to the French alliance and to refuse to act separately, and this was the alternative chosen, apparently without any hesitation. This decision was, no doubt, partly due to Stanhope's report²³ that a secret negotiation was being carried on at Vienna by Ripperda, whereby the *bona fides* of Spain's offer to England was rendered suspect; but it was also based on more general grounds of policy, as the duke of Newcastle explained in his despatches to Horace Walpole.²⁴ The friendship of France, he pointed out, is far more useful to us than that of Spain, for Spain has a standing grievance with us on the subject of our trade. If we supported Spain alone we should either have to make far higher demands for her than we cared to, or else lose the credit of supporting her by not going far enough; in the latter case Spain would be thrown back again on France, and we should have estranged both powers. If we made one step separately towards Spain, France would make twenty, so we had much better stick closely to the French alliance. In plain words, England found it more profitable to have an ally on whom to be able to throw the blame of not making sufficient concessions than to be obliged to grant or refuse the concessions alone. At the same time the duke of Newcastle was not slow in perceiving the advantage of a course which would necessarily compel France to depend more on English support;²⁵ while by England's refusal of Spain's offer of the sole mediation she considerably strengthened her claims on France's loyalty to the alliance; and, lastly, if, as the duke hoped, the reconciliation of France and Spain were brought about by England's good offices the gratitude of both countries would be still further secured; but this scheme would have been impossible if France had been alienated by our acceptance of the sole mediation at Cambray.²⁶

But, however strongly determined the English ministry were to remain faithful to the French alliance, they showed their independence and prudence by their summary rejection of a foolish proposal made by the duc de Bourbon. When the infanta had been sent back the obstacle to an immediate marriage of Louis was removed, but no decision had been come to as to the princess who

²² Add. MS. 32742, f. 515.

²³ *Ibid.* 32742, f. 359 (March 1725).

²⁴ *Ibid.* 32743, ff. 1, 3.

²⁵ *Ibid.* 32742, f. 307.

²⁶ *Ibid.* 32743, f. 340.

was to be raised to the throne of France. All the marriageable princesses of Europe were passed in review by the French council, and the first on whom the duc de Bourbon cast his eyes was the princess Ann of England, the eldest daughter of the prince of Wales. Accordingly the French ambassador was directed to make an informal request for the princess's hand, but without a moment's hesitation the proposition was summarily rejected by the king and the ministry on the ground of religion. The proposal, as the ministry clearly saw, had nothing to recommend it. Apart from the consideration that royal marriages had rarely proved effective in securing an alliance between two nations, when their national interests ceased to be the same, the king's marriage with a protestant would have been unpopular in France, and the princess's conversion to catholicism, which the French would have exacted, would have been so strongly resented in England that the popularity of the French alliance must inevitably have suffered.²⁷ It appears from a secret communication from Fleury to Horace Walpole²⁸ that the first suggestion of this marriage came from the countess of Darlington, whose ill-omened influence had also instigated Schaub's ridiculous negotiation about a dukedom for the comte de St. Florentin; and in that case this second defeat of her plans by the ministry is an interesting contrast to the success of Madame de Prie, a person of similar status in France, who suggested and carried through the ill-assorted marriage of Louis with Maria Leszczinska. Whereas the English ministry could afford to disregard the suggestions of the king's mistress, the policy of France was coloured by the self-seeking schemes of an ambitious courtesan. This was a critical period for England, but the English ministry undoubtedly chose the wisest policy both in clinging to the French alliance and in rejecting a tie which might have jeopardised the protestant succession.

After England's refusal to accept the sole mediation the Spanish court, now having nowhere else to turn, ordered Ripperda to sign almost any treaty of alliance with the emperor. Accordingly on 30 April 1725 three treaties, of peace, alliance, and commerce, were signed at Vienna by Ripperda and the imperial ministers. By the first, which was the only one made public, the king of Spain gave up all his petty disputes with the emperor, and guaranteed the Pragmatic Sanction, but in return for the concessions he obtained nothing more than a confirmation of the quadruple alliance. By the second the emperor agreed to use his good offices to obtain Gibraltar and Minorca for Spain, but it was stipulated that the question of their restoration should only become a *casus belli* if both parties agreed to it, so that the emperor need not go to war about them unless he chose; and the proportions of

²⁷ Add. MS. 32742, f. 307.

²⁸ *Ibid.* 32742, f. 332.

troops and men to be contributed by each ally were agreed on. Lastly, by the treaty of commerce the trade of Spain was practically given up to the emperor's subjects in the Low Countries by the privileges granted to the Ostend Company.²⁹ It seems astonishing that even in the desperate straits to which Philip and Elizabeth found themselves reduced they should have allowed treaties so unfavourable to themselves to be signed, as they virtually obtained by them nothing which they had not got before, and were as far as ever from securing any of the real objects of their policy. It is true the succession of Don Carlos was confirmed by treaty, but the difficulties continually raised in the past, in spite of the obligations of the quadruple alliance, showed that something more than a promise from the emperor was needed to secure it; and while the emperor was not bound to go beyond friendly representations to recover Gibraltar and Minorca the commercial advantages were all on his side, and even questions like that of the *grandees* of Spain were resolved in his favour. As for the marriages, which had been Elizabeth's chief temptation to negotiate, the only promise to which the emperor would commit himself was that he would give one of his daughters in marriage to one of the king of Spain's sons, thus leaving him free to marry the eldest daughter to whomsoever he pleased. The best excuse for Ripperda, and the chief hope on which he based his defence of the treaties, was that the emperor would soon be forced into war, and that then his need of supplies from Spain would lead him to agree to the marriages, and also to help in the recovery of Gibraltar and Minorca, and in this possibility lay the chief danger of this alliance for the rest of Europe.

The first result of the treaties of Vienna was the final dissolution of the already moribund congress of Cambray. The king and queen of Spain, by the extraordinary elation which they manifested on learning the signature of the treaties, showed that they, at any rate, were satisfied, and that they felt themselves free from any further dependence on the mediating powers. Stanhope describes amusingly enough an audience which they granted him shortly after the news had reached them; their joy and excitement, he says, were such that they both talked hard during the whole interview, sometimes both together, and he found it difficult to interpose as much as three words himself;³⁰ while by July their self-confidence had risen to such a pitch that they demanded the immediate surrender of Gibraltar, under a threat of a rupture with England.³¹ But the English ministry showed no signs of alarm, and had already taken their measures to forestall any insults from the new allies. As soon as the treaty of Vienna was known the duke of Newcastle directed Horace Walpole to inform the French court of the fact, and to suggest that it was a reason for drawing

²⁹ Syveton, pp. 101-7.

³⁰ Add. MS. 32743, f. 209b.

³¹ *Ibid.* 32743, f. 414.

closer the bonds of friendship between the two nations: he also proposed that the insult meditated by the emperor and Spain of withdrawing their plenipotentiaries from Cambray should be forestalled by the immediate withdrawal of the English and French ministers.³² And on 27 May Lord Marchmont took his final departure from the congress.

This break-up of the congress brought to an end the first stage in the attempt to correct and modify the treaty of Utrecht where it had been found wanting as a final satisfaction for the aspirations of Spain and the emperor. The real cause of the failure of this stage was that the new-modelled states of Europe were not yet sufficiently conscious of their own powers. For arbitration or diplomacy to be successful in settling the rival claims of nations each nation must be certain that, either from want of ability to succeed in war or from a willingness to take less than its extreme demand, it is not worth risking the arbitrament of war. If a nation thinks that it may succeed in war, and that its demand is the least that it can accept, no offers of diplomatic intervention or of arbitration would deter it from fighting for what it wants. Now Spain had been forced into the congress by an overwhelming display of force; she had with the greatest ease beaten the emperor in Italy, and it was only when the emperor was joined by most of the states of Europe that she was forced to come into the congress. England and France, it is true, worked in the interests of Spain at the congress, but the emperor knew that they would not go to war with him about Italy, so that he had no inducement to yield, and Spain came to realise it also, so that she saw that their help was useless. The result was an *impasse*, which might never have been broken through if Spain had not conceived the idea of breaking up the European confederation and of seeing if, while not being able to obtain anything from the emperor with half Europe on his side, she might obtain her objects by getting the emperor on her side against half Europe. The congress failed because Spain and the emperor had not realised their own strength and weakness; their next stage of close alliance helped them on the way of discovery, and by the proof it afforded them of their weakness brought on the third and final stage, whereby a temporary solution of the difficulties was arrived at.

BASIL WILLIAMS.

(To be continued.)

³² Add. MS. 32743, f. 183 ($\frac{3}{14}$ May).

Notes and Documents

THE ANCIENT NAME OF MANCHESTER.

ACCORDING to the readings adopted by the editors of the 'Antonine Itinerary,' the name of a station in Iter II between Cambodunum and Condate was (in the ablative) *Mamucio*, and that of a station in Iter X between Coccium and Condate was *Mancunio*. The almost universal opinion of scholars is that the place meant in both cases is the site of the Roman fort at Manchester. Although the distances given in the manuscripts of the Itinerary do not tally with the actual distances between Manchester and the sites assigned to Cambodunum and Condate respectively, there seems to be no good reason for rejecting the current identification. But if it be correct, the obvious conclusion is that one or both of the forms *Mamucio* and *Mancunio* must be corrupt. The variants found in the manuscripts are, in Iter II, *Manutio* and *Mamutio*, and, in Iter X, *Coacciunio* (or *Coacocunio*), *Mamcunio*, *Mamcumo*, *Macocunio*, *Mamcomo*. It has hitherto been usual to assume that *Mancunio* is the correct form, probably because it most nearly resembles the modern name of Manchester. This reason, however, is an evident fallacy, for the earliest form of the English name is *Mameceaster*, and it was still written *Mamchestre* in the fourteenth century. Moreover, there is some reason for doubting whether *Mancunium* is a possible British name. A Celtic consonant-stem *man-* is not only unknown, but unlikely to have existed; and unless the place-name be derived (in accordance with the etymological principle somewhat unduly favoured by M. d'Arbois de Jubainville) from a personal name ending in *-cunos*, the only meaning assignable to *-cunio* is 'height,' which would not be topographically suitable. But although the form *Mamucio* agrees better than *Mancunio* with the old English name, it cannot be safely assumed that it is not itself corrupt. The fact that it has no known etymology is, indeed, in the present state of Celtic philology, no very serious objection to its genuineness. But the probability would seem to be that both forms are more or less altered from a common archetype. It is not possible to restore this with certainty, but I would suggest that as the *nc* of *Mancunio* must represent an original *m*, analogy would point to the *uc* of *Mamucio* being a corruption of

the same letter. This would give us *Mammium*, or, in Celtic form, *Mammion*, as the original name; a derivative, perhaps, of *mamma*, 'mother.' An argument in favour of this suggestion is that, at the late date of the Anglian conquest of the tract between Ribble and Mersey, a Celtic single *m* between vowels would probably have been represented by *v*, not by *m*, in the English adoption of the name. The evidence is too dubious to justify the introduction of 'Mammium' into our maps of Roman Britain; but that the customary 'Mancunium' ought to be discarded there seems to be no reasonable doubt.

HENRY BRADLEY.

THE LAWS OF BRETEUIL.

PART II. THE ENGLISH EVIDENCE (*continued*).

Custumal of Preston, with Explanatory Notes.

XVII. PRESTON. The text is printed below from a photograph of the *Custumal* now at Preston. A few of the clauses have been given in Whitaker's 'Richmondshire,' ii. 422; many English translations have appeared, but none are satisfactory. The best rendering appears to be that in E. Baines's 'Lancashire,' ed. Croston, vol. v. (1898).

Iste sunt libertates de Prestona in Aumundrenesse.

1. Ita quod habeant Gildam mercatoriam cum hansa et aliis consuetudinibus et libertatibus ad Gildam illam pertinentibus.

2. Ita quod nullus qui non sit de Gilda illa mercandisam aliquam faciat in predicta villa nisi de voluntate Burgensium.

8. Si aliquis nativus alicuius in prefata villa manserit et terram in ea tenuerit et fuerit in prefata Gilda et hansa et loth et scoth cum eisdem Burgensibus per vnum annum et vnum diem, deinceps non possit repeti a domino suo set in eadem villa liber permaneat.

4. Burgenses de Prestona in Aumundrenesse habeant soc et sac, tol et them, Infangthef, et quod quieti sint per totam terram nostram de tolneo, lastagio, passagio, pontagio et stallagio et de Lenegald et Denegald et Gathewite et omnibus aliis consuetudinibus et actionibus per totam terram nostram et potestatem tam in Anglia quam in aliis terris nostris et quod nullus vicecomes intromittat se super Burgum de Prestona in Aumundrenesse de aliquo placito vel querela vel occasione vel aliqua alia re ad predictam villam pertinenti salva corona domini Regis.

5. Si quis Burgensis voluerit fieri, veniat in Curia et reddet prefecto xii denarios et capiet Burgagium suum de pretoribus; postea dabit famulo pretoris vnum denarium ut ipse testificet eum burgensem in Curia fieri.

6. Item cum autem Burgensis Burgagium suum receperit et vacuum fuerit, pretor precipiet¹ eum quod Burgagium suum infra xl dies edificiet super forisfacturam, si autem non edificauerit in misericordia erit de xii denariis.

¹ MS. 'recipiet.'

7. Item cum aliquis Burgensis versus alium Burgagium suum calumpniat et dixerit ius esse suum et tenens qui tenet dixerit illud Burgagium sine calumpnia tenuisse per plures annos et dies et nominatim per vnum annum et vnum diem et dixerit se habere inde prepositum suum et vicinos suos duos vel plures testes ipse in curia per ipsos probabit per iusiurandum illum sic tenuisse. • Ita ipse per illos in Curia probabit et tenebit sine omni contradictione calumpniatoris quare calumpniator fuit per vnum diem et vnum annum infra maria Anglie.

8. Item si aliquis Burgensis queritur de aliqua re et alius aduersus [eum nega]uerit,² et querens per iudicium nominabit duos testes et ex illis [hab]ebit vnum ad diem et ad terminum et ipse potest habere quemcumque legalem hominem testem et alium Burgensem [ad legem] ponere, defensor autem contra Burgensem ad iusiurandum ponetur tercia manu per pares suos.

9. Item misericordia in Curia nostra non ascendet vltra xii denarios nisi de tolneo asportato [et . . .] erit misericordia xii solidorum.

10. Item Burgensis non veniat nisi ad tres porte[mota] per annum isi habeat placitum super se, et nisi veniat ad quenquam magnum portemotum erit in misericordia de [x]ii denariis.

11. Pretor de Curia colliget firmam domini Regis ad iii^{or} terminos anni et ibit semel propter firmam et alia vice si placuerit ei deponet hostium cuiuslibet Burgensis. Burgensis autem non potest hostium suum reponere donec reddiderit suum debitum nisi pro voluntate pretoris.

12. Item si Burgensis aliquid forum vel aliquem mercem emerit et hernas ded[erit] [et] ille qui vendiderit de foro suo penitebit duplicabit her[nas emen]tis. Si autem emens forum suum palpabit vel habebit forum vel v solidos de vendente.

13. Item si Burgensis habuerit potum ad vendendum ipse vendat ad ³ assisam per [Burgenses factam] nisi in tonello reponatur.

14. Item Burgensis non veniet ad pretorem post occasum solis pro aliquo clamore si noluerit nisi clamor fiat ab extraneo.

15. Item Burgensis accomodabit domino suo de foro suo et dominus reddet ei infra xl dies ; si autem non reddiderit, Burgensis ei amplius non accomodabit [do]nec ei reddatur.

16. Item Burgensis non potest esse nisi habeat Burgagium xii pedum in fronte.

17. Item si Burgensis vendiderit vltra assisam, ipse in misericordia erit xii denariorum et ille qui emit in nulla.

18. Item Burgenses de Curia predicta habent duellum, ignem, et aquam ad iudicium faciendum.

19. Item si aliquis captus pro latrocinio vel pro aliqua infidelitate [et] iudicatus fuerit, ille qui sequitur faciet iusticiam.

20. Item Burgensis de Curia predicta capiet tolneum suum de vna carecta duos denarios, et de vna summa [vnius] equi vnum denarium, et de trussello retro hominem vnum obolum, et honero vnus hominis vnum obolum, pro equo vendito duos denarios, pro boue vel vacca vnum denarium, pro quinque bidentibus vnum denarium, pro quinque porcis vnum denarium.

² Passages in square brackets are supplied from the Harl. MS. 2112 (see below) where the original is illegible. The original is torn and frayed at the folds.

³ 'Ad' omitted in MS.

21. Item si Burgensis vulnerat alium et voluerint concordare, amici inter eos positi seruent pro vnoquoque police [sic] plage cooperte iiii^r denarios, pro discooperto octo denarios, et quicquid vulneratus per disturbacionem plage sue poterit probare quod perdidit alius ei reddet, et similiter quod vulneratus dedit medico suo pro sanacione plage ei reddet et arma ei afferet et iurabit super arma si vulneratus esset et ei talia fecisset ipse caperet quod ei offert si amici sui hoc consenserint et laudarent [sic].

22. § 1. Item si Burgensis queritur de aliquo Burgense quod ei debitum debeat et alius cognouerit debitum, precipiet prepositus quod ipse euadiet debitum petenti et ipse euadiet et tunc precipiet ut ipse reddat debitum infra octo dies super forisfacturam; si autem non reddiderit erit in misericordia de octo denariis in prima ebdomada, in secunda ebdomada de xii denariis et sic unaquaque ebdomada donec reddat debitum. § 2. Si autem negauerit debitum et petens habeat testes, alter negabit sua tercia manu per iusiurandum et si fecerit iuramentum, petens erit in misericordia xii denariorum et si defensor venerit cum lege sua ad sacramentum suum faciendum et petens non venerit, defensor erit quietus, et petens in misericordia, et si petens venire non poterit et in loco suo aliquis positus coram Curia, ipse potest accipere sacramentum defensoris. § 3. Et quod in⁴ nulla querela nec in aliquo forisfacto est burgensis de Curia predicta in alia misericordia nisi in xii denariis, nisi vocatus fuerit ad duellum et duellum sit ei iudicatum. Si autem duellum sit ei iudicatum et vadiatum in misericordia xl solidorum erit.

23. Item si Burgensis filiam vel neptam alicui nupserit illam absque licencia alicujus nubat.

24. Item Burgensis furnum super terram suam facere poterit et capere furnagium suum et pro vna summa farine vnam obolatam panis et ipse cuius farina vel bladum erit inueniet lignum ad calefaciendum furnum.

25. Item Burgenses non ibunt ad molendinum neque ad furnum neque ad turrellum nisi vbi eis placuerit.

26. Si aliquis turrellum alicuius combusserit et turrellus habuerit vnum hostium pro turrello dabit xl nummos, et si habuerit dua hostia dimidiam marcam.

27. Item si Burgensis per commune consilium vicinorum in aliquo negotio ville perrexerit expense sue cum reddiderint eis reddantur.

28. Item si aliquis venerit in villa nostra qui tolloneum dare debuerit et tolloneum suum tenuerit vltra diem fori, in misericordia erit de xi denariis.

29. Item extraneus non potest participare de alia merce cum Burgensibus ville nostre.

30. § 1. Item cum Burgensis burgagium suum vendere voluerit, cognatus eius propinquior est ad burgagium illum emendum quam aliquis alius. § 2. Cum autem vendiderit et aliud burgagium non habuerit, cum alium saisauerit dabit iiii^r denarios de exitu. § 3. Si autem alium burgagium habuerit, nichil dabit.

31. Item si Burgensis sit in misericordia de pane et ceruisia semel vel

* In omitted in MS

secundo vel tercio erit in misericordia de xii denariis, quarta autem vice faciet meliorem finem quem poterit vel ibit ad cuckestolam.

32. Item si Burgensis de villa morte subitanea obierit, uxor eius et heredes sui omnia catalla sua et terras suas quiete habebunt. Ita quod dominus suus nec iusticiarii manum ponant in domibus vel in catallis defuncti nisi publice excommunicatus fuerit, sed consilio sacerdotis et vicinorum in elemosinis expenduntur [*sic*]. Vxor autem defuncti nubere potuerit vbicunque ei placuerit.

33. Item si aliquis petat debitum ab aliquo coram preposito, si autem reddere noluerit, pretor reddet petenti debitum suum de bursa domini Regis et distringet alium per catalla sua vt reddat debitum vel domum in manu sua saisabit.

34. Item Burgensis a preposito nullum clamorem in die fori recipiet nisi clamor fiet ab extraneo.

35. Item Burgensis nullum dat transitum.

36. Item Burgensis communem habet pasturam vbique exceptis bladibus et pratis et hais.

37. Item si Burgensis prepositum vel prepositus burgensem in Curia percutiat, qui conuictus fuerit deinceps se in misericordia erit de pugno.

38. Item si prepositus burgensem percutiat extra Curiam in misericordia est de suo scensu.

39. Item si burgensis percutiat prepositum extra Curiam in misericordia est xl solidorum.

40. Item si Burgensis alium conuincat, si confiteatur, emendabit xii denariis. Si deneget, purgabit se solo contra testes; si extra Curiam, nichil.

41. Item si quis falsos [nummos] ferens captus fuerit prepositus reddet domino Regi falsos quotquot sunt et computabitur in redditu firme sue pro bonis, et tradet domino Regi corpus ad iudicium faciendum et famuli qui eum ceperunt habebunt pannos.

42. Item regratariis non liceat emere in die fori aliquid quod vendet [*sic*] ad regratarium [donec] vespere pulsentur, nec in aliis diebus septimane, donec illud quod emat in villa per vnam noctem fuerit.

43. § 1. Item predicti Burgenses nunquam in expedicione vel [exercitu coacti] nisi cum ipso domino nisi in eodem die possint reuerti. § 2. Si sit summonitus cum iusticia oppidi erit in expedicione et non eat et confiteatur se audisse emendabit xii denariis; si neget se audisse edictum, purgabit se inde iusiurando se solo. § 3. Si vero habuerit essonium scilicet municionem vel ex vxore iacente de puerperio³ vel aliud rationabile essonium non emendabit. § 4. Si sit eundi cum persona domini Regis nullum potest habere essonium.

44. Est autem mos burgi quod pro accusacione non debet capi aliquis Burgensis a domino vel a preposito si plegios sufficientes habeat.

45. Item de clamore facta [*sic*] de burgense ab aliquo milite quisquis sit miles, si duellum iudicatur [*sic*] inter Burgensem et militem, miles non potest se mutare nisi inueniatur in eo quare non possit pugnare.

46. Item si Burgensium aliquem mandat prepositus [per] alium quam per notum famulum suum et non venerit, nichil emendabit.

³ MS. 'puero.'

47. Item nunquam iusticiarius ponat manum in domo vel in catallis alicuius defuncti.

48. Item si quis uxorem coniugatam meretricem vocat et clamor inde fiat et testes assint purgabit se sola manu, et si facere [non] poterit iusiurandum, emendabit tribus solidis; ei cui dixerit hoc iustum faciet quod capiet se per nasum et dicet se mentitum fuisse et concordetur. Idem est iudicium de vidua.

[sta est] lex de prestona in Aumundrenesse quam habent de lege bretonica.

The 'Lex Bretonica' here, in which there would seem to lurk a reference to the laws of Breteuil, is probably to be traced to Roger le Poitevin, so called from his marriage with a Poitevin wife, which made him master of large Poitevin estates. The significant points to be recalled for our present purposes are that he was a son of Roger de Montgomery, earl of Shrewsbury, to whom the Laws at Shrewsbury may be traced; that he was given the earldom of Lancaster by William I, and in 1074 (owing to his share in the rebellion of Waltheof) he forfeited his estates, and accordingly in the Domesday description of Preston in Amounderness he is referred to as the late owner. Whereas in Domesday Penwortham, on the south side of the Ribble, opposite to Preston, is spoken of as a castle and borough, Preston is not so spoken of. The development of the new borough colony probably, then, took place after Roger le Poitevin's restoration to his estates by William II. In 1100, with his brothers Robert de Bellesme and Arnulph, castellan of Pembroke (a name to remember in connexion with the Laws, for we shall trace them at Pembroke), he opposed Henry I, and his estates were once more confiscated. The subsequent history of the Amounderness estate would seem to be that of the honour of Lancaster, which in brief is this: Henry I granted the lands to Stephen of Blois; Stephen as king granted to Ralph Gernons, earl of Chester, all Roger's lands from Northampton to Scotland, but in 1152 a transfer was made to Henry, afterwards Henry II. He made Preston a free borough with the liberties of Newcastle-under-Lyme.⁶ The lands were next conferred on the future king John. He forfeited them in 1194, and Amounderness was granted to Theobald Walter, sheriff of Lancashire. John as king recovered the lordship over Preston. John, both as count of Mortain and as king, busied himself in founding boroughs in Lancashire. His charter to Liverpool is a peculiarly interesting example of a very deliberate attempt to create a town.⁷ To Lancaster he gave the privileges which he, as count of Mortain, had given to

* The idea that the famous Preston Customs represent the grants of Henry I arose out of an early mistake; see Whitaker's *Richmondshire*, ii. 421. T. Baines (ed. Fairbairn, i. 527) starts the idea that Amounderness became part of the earldom of Richmond, but it seems to be based solely on the fact that, as a deanery, Amounderness came under the archdeacon of Richmond.

⁷ Baines, ed. Fairbairn, i. 703-7.

Bristol, and these, being framed mainly on the London model, show no Breteuil influence. It seems, therefore, reasonable to suppose that the man who introduced the 'Lex Breton' was Roger le Poitevin.

As the Preston custumal is full of matter of varied interest which requires some explanation and illustration, without attempting as yet any general commentary on the character of the custumal and the community for which it was penned, some annotation appears to be desirable in this place, to clear the ground for a discussion of the evidence as a whole.

Notes to the Preston Custumal.

The Harl. MS. 2112, f. 105 (in Randle Holmes's difficult hand), heads the custumal thus:—

Libertates Gilde Mercatorie eisdem cum libertatibus de Novo Castro subtus Linam confirmate per Edwardum Regem.

Edwardus dei gratia Rex Anglie, Dominus Hibernie, Dux Aquitannie. Sciatis quod concessimus Burgensibus ville de Preston in Aumundrenesse omnes libertates subscriptas.

Then follows a somewhat faulty copy of the custumal printed above. There is no such heading in the Preston original, but for the rest Holmes might have had this original before him. I have worked from a photograph, kindly lent me by the town clerk. It is, I am told, a reduced copy, and this makes it the more difficult to determine the date of the manuscript. Judging from the photograph the manuscript might well be ascribed to the early fourteenth century.

1, 2. The first four paragraphs (the division into paragraphs has been introduced for clearness' sake) would seem to have been tacked on from a royal charter.

3. A clause making the villein, who dwelt in a borough for a year and a day, a free man is found commonly in the Norman borough customs of England, whether those customs came by royal or by baronial grant; so also in France and Germany. On the meaning of the 'day' as a 'court day' see Maitland, 'Possession for Year and Day,' in *L. Q. R.* v. 253; also 'Hist. Engl. Law,' i. 633, where he inclines to ascribe its introduction to the royal example. The general rule that a year and a day's residence in a borough made a villein free is laid down in those laws of William I which are accepted as authentic, though we possess them only in the expanded form of a later day.⁸ As in subsequent paragraphs some traces of similarity with phrases of the 'Lex Salica' will have to be noted, it may not be superfluous to call attention once again in

⁸ *Leg. Will.* iii. c. 16; Schmid, p. 356; cf. *Hist. Engl. Law*, i. 76, and Liebermann, *Ueber die Leges Anglorum*, p. 32 ff.

this place to the text 'De Migrantibus,' 'Lex Salica,' cap. 45, § 3, commonly cited as an early example of a rule of this kind; it makes the migrant 'who has settled in a township contrary to the wish of any of its members safe against them after the lapse of a year.' For the rule in the French boroughs see the examples cited by M. Prou in his article on the Customs of Lorris, *Nouvelle Revue Historique*, 1884, p. 162; and for Germany see Keutgen, 'Urkunden zur städtischen Verfassungsgeschichte,' i. 19, &c.

4. These English clauses were, of course, not part of the 'Lex.'

5. The Preston Customs do not mention, as we should expect, the twelvepenny burgage rent in lieu of all service, but only the twelvence charged as relief or as fee for the entry of the seisin; cf. the closely analogous Hereford rule c. 1 and 4,⁹ and 'Leges Quatuor Burgorum,' c. lii. (one penny for the entry of seisin). That the relief should equal the amount of the yearly *cens* is to be expected; cf. 'Leges Willelmi,' i. 21, § 4. The penny to the reeve's servant occurs in the customs of Verneuil, and I would therefore trace this passage to the original 'Lex.' (From Keutgen's collection of borough records, examples of reliefs that were double and treble the annual rent could be adduced.)

6. I have not yet found the forty days' limit elsewhere in this connexion. The Hereford MS., perhaps mistakenly, makes three days the limit for the rebuilding of ruinous tenements.¹⁰ At Freiburg-im-Breisgau, if a burgage was burnt down and the burgess took another burgage plot, he had to build.¹¹ Bern, modelled on the same, had a similar rule.¹²

7. *Et nominatim per unum annum et diem*. This 'year and day' period of limitation, the *rechte Gewere* of Germany, the *possession annale* of France, is common to most of the English borough charters. In Heusler's view the rule takes its origin in the royal ban.¹³ Professor Maitland ('Possession for Year and Day') seems not disinclined to give it, as far as England is concerned, a Norman parentage. This view is borne out by the regular appearance of the rule in the early charters of these English private boroughs of Norman creation.

Prepositum suum. For a similar use of the phrase see 'Leges Quatuor Burg.' c. xxviii.

Vicinos suos duos. The proof is made easy. Cf. the Hereford rule, c. 5, *ante*, p. 304.

8. To replace the single-handed oath with the three-handed was usual when the other side had witnesses (Bonvalot, 'Beaumont,' c. 13).

9. The last part of the sentence has probably been added at a later date. The same fine, 12s., for toll retained is charged in the

⁹ *Ante*, p. 304.

¹⁰ See c. 7, *ibid*.

¹¹ c. 68, Keutgen, p. 125.

¹² c. 24, *ibid*. p. 129.

¹³ *Institutionen*, i. 57.

Manchester charter.¹⁴ Keutgen gives¹⁵ an eightfold penalty upon toll subtracted.

The twelvepenny amercement will be treated at length hereafter.

10. This clause is of fairly frequent occurrence in borough charters in England and abroad; cf. Bonvalot, 'Beaumont,' c. 57, and Keutgen, p. 139, Soest, c. 2, &c. It is analogous to the German *Dingpflicht*, the necessity for all freemen to attend the *echte Ding*, and for those only who were specially summoned to come to the *gebotene Ding*. Three *generalia placita* were ordered in the lost capitularies of Charlemagne, 770-780, and in England King Edgar, by his secular ordinance, c. 5, said, 'thrice in the year let a burh-gemot be held,' (when the shiremoot was holding its *echtes Ding* twice a year). The rule of the *generalia placita* is recorded in the Congleton charter (one of the Cheshire group, Ormerod, iii. 36), at London ('Mun. Gild.' i. 118), at Saltash and Whitby; but at Knutsford, also in Cheshire, the great court was twice a year, and so at Chard, Barnstaple, Hereford, and Chesterfield. The 'Leges Quatuor Burgorum,' c. xl., have an interesting paragraph, which states that the fine for not attending the three chief 'pleas' is 4*d.*, but 8*s.* on the burges *ruremanens*, for those three courts are the only courts he is bound to attend.¹⁶ The whole question is of great importance in tracing out the origin of the borough-court.¹⁷

11. Three or two rent-days a year were more usual than four in the Norman baronial borough charters. The pulling down of the door was probably in place of the earlier total destruction of the house, a not uncommon penalty for crime, communal offence, or neglect of rent payment. At Strassburg the fleeing offender had his house pulled down, or, if the town officers chose, *domus sit communis et pateat omnibus depositis fenestris et ianuis*.¹⁸ For the penalty of house demolition in the Cinque Ports for communal offence see Round's 'Feudal England,' p. 552 *sqq.*, and the French references there cited. Some boroughs admitted distress for rent to be levied on the door and windows.¹⁹ At Hereford the rule was that, for continued neglect of the defendant to attend the court after summons under a writ of right, his house may be thrown down post by post towards the street, and so inwards and inwards, until it is entirely cast down in the presence of the chief bailiff and others. At Winchester,

¹⁴ Harland, *Mamecestre*, ii. 215-6.

¹⁵ P. 182, Goslar, c. 41.

¹⁶ On this matter cf. *Hist. Engl. Law*, i. 326, with references; Brunner, *Rechtsgeschichte*, ii. 216; and Bigelow, *Procedure*, p. 217 (on the general summons and the private summons). Keutgen, *Untersuchungen über den Ursprung der deutschen Stadtverfassung*, p. 33.

¹⁷ In a seventeenth-century account of Preston (quoted by Hewitson, p. 36) three annual portmotes are still spoken of.

¹⁸ c. 11, Keutgen, *Urkunden*, p. 103.

¹⁹ *Northampton Records*, i. 218; *Nottingham Records*, i. 267.

Reading,²⁰ Southampton,²¹ Dover, Winchelsea, Rye, and Fordwich,²² the tenement owing rent was marked by a stake, a custom which probably belongs ultimately to the same category.

12. I have not found any rules on the payment of earnest in other borough customals. That the defaulting seller should repay double the earnest is given as the rule in Bracton and Fleta. For full references, and for a discussion of the supposed derivation of the rule from Roman law books, see 'Hist. Engl. Law,' ii. 206. The law merchant in Fleta gives a forfeit of 5s. for every farthing of earnest. Cf. also Franken, 'Französisches Pfandrecht,' p. 57. But I have not found any analogy to illustrate the Preston 5s. penalty. On the *arra penitentialis*, or rue-geld, rue-bargain, see Heusler, 'Institutionen,' ii. 257.

13. Retail price is determined by the assizes of wine and beer, but not wholesale price.

14. The times at which the burghers need not attend to the reeve's summons are stated in some early charters. See the Verneuil instances below in Part III. Cf. 'Leges Hen. I,' c. 59, § 2 (of amendable pleas and the number of respites). The summon must be before sunset.

15. This clause is strongly indicative of French origin. It occurs widely spread in connexion with the Laws of Breteuil in England, and in many charters kindred in nature to those based on these Laws. This point will be further brought out hereafter. Meanwhile it may suffice to refer to M. Prou's edition of the customs of Lorris²³ on the credit rules in France. (The Lorris rule was fifteen days, in Burgundy forty days.) I have not found any analogies to this rule in Keutgen's charters. In the Salic Law, c. 50, § 1, forty nights is mentioned as a normal term of credit.

16. The varying frontages offered by the lords who proposed to create boroughs will be brought together below. This frontage, presumably a 12-foot perch, is unusually small. It is possible that the 'Lex' of Roger le Poitevin offered in the first instance a larger frontage, that burgages have been subdivided, and that a single bay was reckoned as a burgage when this draft of the customal was made. Most likely the original grant was a frontage of four perches.

17. A reduction of the severity of the punishments for breaches of the assizes of bread and beer, &c., is a privilege frequently granted to burgesses in the later charters; see note to 31. A good many examples will be given in the 'derived cases' below.

18. The phrase *Burgensis de Curia predicta* is striking, and

²⁰ See Cunningham, *Industry and Commerce*, p. 543.

²¹ *Hist. MSS. Comm.* 6th Report, App. p. 595.

²² Lyon, i. 237, ii. 362; Woodruff, p. 269.

²³ *Nouvelle Revue Historique*, viii. 172.

becomes of importance in connexion with burghal origins. It occurs again in 20 and in 22, § 3.

19. Cf. 'Hist. Engl. Law' ii. 158, 577 on summary justice and the appellor's 'fresh suit.' In 'Leges Will.' i. c. 47 (the portion consisting of a translation from the laws of Cnut) the word *iusticia* is used to mean the penalty, including the seizure of the offender's chattels. The 'Hist. Engl. Law,' ii. 495, cites the Northumberland custom

quod quancito aliquis capiatur cum manuopere statim decolletur et ipse qui sequitur pro catallis ab ipso depredatis habebit catalla sua pro ipso decollando.

20. It would be natural to expect that the toll was taken by the burgesses in the plural number, through their authorised agent. The use of the singular is very curious.

21. These rules contain marks of high antiquity. Professor Maitland has directed me to the striking illustrations which the 'Leges Willelmi' and the 'Leges Henrici Primi' afford. The most modern edition of the former text, Matzke's, is that here cited.

For *measurement of the wound*, by the thumb or inch, and the doubling of the penalty for the wound that is visible, see 'Leges Willelmi,' i. 10, § 1:—

De sarbote, ceo est de la dulur

§ 1. Si la plaie lui vient el vis en descouvert, al pouz tuteveies viii den., ce ele seit cuverte, al pouz tuteveies iiiii d. E de tanz os cum l'om trait de la plaie, al os tuteveies iiiii d.

§ 1. Deinde si plaga discooperto faciei fuerit semper ad unciam
.
iiii denar. persolvat. Et si ossa abstracta fuerint, quot ossa totiens iiiii denar. dabit.

'Leges Henrici Primi,' 93, § 1:—

Si vulnus eveniat alicui sive membri truncacione vel debilitatione vel disfactione, in nudo et manifesto, ut ante capillos, ante manicam, sub genibus, dupliciter emendandum est supra id, quod in capite sub capillis vel in membris sub vestibus in occulto fieret.

Thus for the head-wound under the hair, a wound an inch long is charged 1*s.* (*id est*, 5*d.*), but outside the hair 2*s.*, *id est*, 10*d.* (double) 94, § 2.

Qui vulnus alicui faciet ac sanguinem, emendet hoc *per uncias*, ad singulas vd. in cooperto, in nudo pro singulis unciis xd.

For the *leech's fee* see 'Leges Willelmi,' i. 10:—

Si hom fait plaie en autre, e il deive faire les amendes, primereinement lui rende sun lecheof; ²⁴ e li

De vulnerante alium.

Si vulneraverit quis alium et satisfacere debeat, in primis reddat

²⁴ Not *Leibgeld*, as Schmid renders it, but leech-fee.

plaez jurra sur seinz²⁵ que pur ei lichfe, quantum scilicet in curam
meins nel poet feire ne pur haur si vulneris impendit. Iurabit tamen
cher nel fist. vulneratus, quod non potuit pro
minori curasse, nec quod in odium
illius magis iusto persolvit.

The Salic law, xvii. § 3, makes a fixed charge of 9s. in *medicaturas* in the event of the death of the wounded man. On the charge for loss of time and for medical attendance see Brunner, ii. 614, Gfrörer, ii. 157. Brunner gives numerous references to the Lombard laws on this point. The Frisian law charged extra for the wound visible twelve feet off.

There are many stipulations regarding the payment of the leech-fee in French borough charters—for example, Laon,²⁶ the pattern of many other towns, also Beaumont, c. 17 (ed. Bonvalot, p. 102), copied by many other towns, and at Abbeville.²⁷ It appears further at Verneuil (see below, Part III.), and may accordingly be regarded as forming part of the original 'Lex.'

For the *healing of the feud* see 'Leges Will.' i. 10.

§ 2. Puis al acordement, si lui metera avant honurs e jurra que s'il lui oust fai ceo qu'il lui ad fet, e se sun quor²⁸ lui purportast²⁹ e sun conseil lui donast, prendreit de lui ceo, que offert ad a lui.

§ 2. Demum ad concordiam plenam honores illi exhibebit iurabitque quod sibi, si id intulisset, quod ipse illi intulit, id in satisfactionem ab eo susciperet, quod ei offert, si hoc in animo sibi sederet et amici consulerent.

For the *oath on a man's arms* see Brunner, ii. 428, who shows it to be very ancient and widespread among the Germans. After the introduction of Christianity it became an oath of low value among the Lombards and Saxons; among the Franks and Anglo-Saxons it was applied to particular cases. The customs of Verneuil (see below, Part III.) strikingly resemble the rules of Preston in the matter of the leech-fee and the oath on the arms.

To heal the blood-feud the relatives at first were required to assent to the agreement.³⁰ On the professional peace-makers appointed in many towns abroad where the blood-feuds were long troublesome see G. Espinas, 'Guerres Familiales,' in the *Nouvelle Revue Historique*, p. 415 (1899). Cf. the passage in the Manchester charter—

Et si guerram illius cui comiserit sustinere poterit bene potest fieri.

²⁵ On the Gospels or relics.

²⁶ Giry, *Documents*, c. 9.

²⁷ Thierry, *Recueil des Docs. inédits*, i. 41, note.

²⁸ Heart.

²⁹ Urges him to it

³⁰ For *amici* in the sense of relatives see Brunner, i. 82, and for neighbours, *comburgesses*, sworn gild-brethren, Flach, *Origines*, ii. 396; Luchaire, *Communes*, p. 48.

Sin autem per concilium amicorum suorum cum eo pacem faciat et hoc sine forisfactura prefecti.

And the Hereford customal has some parallels.

In Scotland, as also in England, the law forbade that disputes which the court had begun to try should be settled by concord without royal licence.³¹ Burgesses were allowed to get off without bringing their suits to court, and so escaped some fines. See Keutgen, p. 130 (Bern, c. 34, § 2), on the freedom of the burgess to get a reconciliation arranged by his neighbours without coming to court (also Freiburg-im-Breisgau, c. 19, and Prou's Lorris, *ubi supra*, p. 183).

22. § 1. *Evadiet*. The debtor must give wed or gage of satisfaction. The passages in cap. 3 of the Manchester and Salford charters run in like terms. At Salford, by Ralph Blundeville, earl of Chester's charter, the rule is—

Si aliquis burgensis aliquem burgensem implacitaverit de aliquo debito et ipse cognoverit debitum, prepositus ponat ei diem scilicet octavum, et si non venerit ad diem reddat mihi xii d. pro forisfactura diei et debitum reddat et preposito iiii d.

The Manchester charter, modelled on Salford, gives for *et preposito iiii d.*, the phrase *et prefecto viii d.* Compare the weekly increase of the debt by 3s. a week until the end of the third week in 'Lex Salica,' c. 50, § 2.

§ 2. Cf. the Manchester rule—

Et si aliquis alii aliquid acomodauerit sine testimonio, non respondebit quicquam ei nisi habuerit testimonium. Et si testimonium habuerit per sacramentum duorum hominum potest negare.

The idea is that no burgess may take distraint of another burgess, but must summon the offending burgess to court, where he will be amerced heavily for defaults if he does not come to answer the charge.³² For Germany see Keutgen, p. 136 (Hagenau, c. 17)—

Si civis a cive pro debitis in causam ducitur, iudex infra octo dies debitorem cum actore in compositionem redire precipiat : finitis illis diebus, si reus actori non satisfecerit, iudici de xii nummis, actori vero de sex respondeat.

The interval of eight days was short, and repeated neglect to answer the summons would soon become expensive.

Cum lege sua, with his law, his oath-helpers.

§ 3. The normal penalty was not 40s. but 60s. Cf. 'Leg. Hen. I,' 59, § 15.

Qui bellum vadiaverit et per iudicium defecerit lx s. emendet.

On the ancient German royal amends of 60s. see Keutgen, p. 21 *sqq.*, giving illustrations of the '*sechzig Schilling Bann in den*

³¹ *Assises of David*, c. xiii.

³² Cf. *Leges Quatuor Burg.* c. xlv.

civitates publicae ;' also Prou on the customs of Lorris, *ubi supra*, p. 197.

The Preston rule does not say whether the 40s. is paid only in the event of defeat or not. It was usual for the victor to fine the beaten man who survived; cf. Prou, p. 193, on the custom of Lorris, *le battu paie l'amende*. At Freiburg-im-Breisgau, c. 74³³—

In duello tam ille qui impetit quam ille qui impetitur, si victus fuerit, pari pene subiacebit.

23. Common in one form or another to many charters.

24. The baker may take a *furnage*, *i.e.* from every *somma* of flour baked he may take bread weighing one halfpenny. The 'sum' of wheat Thorold Rogers explains as a quarter. He gives no references to its value as a measure of flour. *Bladum* is grain.

25. *Turrellum* is kiln in the sense of drying-house for grain. The grain-drying *banalité* does not appear to be a familiar one. The Scots have the word 'kill-meat' (Jamieson), a perquisite of the sheelings of a mill which falls to the share of the under-miller.

26. A kiln filled with dry grain easily takes fire; compare the Scottish saying—

The kiln's on fire, she's a' in a lowe.³⁴

The 'Leges Quatuor Burgorum,' c. l., have a parallel passage: 'For burning your own with your neighbour's house there is no fine, for you are punished enough by your own loss, and the same is true of him who burns his neighbour's "kyll" (Lat. *torralium*). If you burn a kiln lent to you you must restore it. If you burn one hired you need not restore it.' The fines at Preston were purposely, then, made low—3s. 4d. for burning a small kiln, 6s. 8d. for burning a large one. Very heavy were the charges made on incendiaries by primitive law,³⁵ where the firing of granaries is specially mentioned.

27. Probably not early.

28. Cf. the less severe rule at Lorris, cap. 30:—

Et quicumque in mercato Lorriaci emerit aliquid vel vendiderit, et per oblivionem tonleium suum retinuerit, post viii dies illud persolvat sine aliqua causa si jurare poterit quod scienter non retinuerit.

29. The antiquity of the custom which allowed a merchant to go shares in a bargain at the making of which he was present has never been inquired into. Gross³⁶ collects many English examples. See also 'Records of the Borough of Leicester,' i. 78, note. There is a specially full statement in the case of Sandwich (Boys, p. 521) and Fordwich (Woodruff, p. 251). The 'lot' or

³³ Keutgen, p. 125.

³⁵ Brunner, ii. 655.

³¹ Jamieson, s.v. 'Kill.'

³⁶ *Gild Merchant*, i. 49.

porcio appears in the twelfth-century rules of the gild of St. Omer,³⁷ and it was known later at Paris.³⁸ I have found no passages on the subject in Keutgen's first volume. The Scottish 'Leges Quatuor Burgorum,' c. liv., say 'ane stallanger at na time may have lot, cutt, nor cavel, anent merchandise with ane burges, but only within time of ane fair.' The stallager or censer was not a burges or member of the merchants' gild, but paid a small fee for a stall in the market. Lot, cut, and cavel are closely synonymous, all meaning a division or share of property, obtained by casting lots. The Scottish Gild Merchant statutes forbade stranger merchants to have lot or cavel with any of the brethren.

30. § 1. The *retrait lignager*, repeatedly sanctioned by the baronial creators of English boroughs. Cf. 'Anc. Cout. de Normandie,' ed. Gruchy, p. 295, but it would be rash to assert that this was a Norman introduction. Cf. the Laws of Alfred, c. 41. At Nottingham, where the French and English borough are carefully distinguished, this custom was apparently common to both parts of the town.³⁹

§ 2. The *lods et ventes* of fourpence, a third of the rent, were usual in many places having the twelvepenny burgage, e.g. Manchester, Salford, and Leek.

Si burgensis vendat burgagium suum et velit a villa decedere dabit domino iiiiid. et liber ibit ubicunque voluerit.

31. See note to 17. The twelvepenny fine differs from that required by the assize that has entered the pages of the Statutes of the Realm. This assize required in the case of bread that the first three offences be measured according to the amount of the offence, and this as often as a baker shall offend in the weight of a farthing loaf of bread, not above two shillings in weight. But if the loaf exceed two shillings in weight, he has the pillory without redemption; for repeated offence in baking loaves under the 2s. weight, a man has the pillory, a woman the tumbrel. The Newcastle-on-Tyne charter is likewise more severe than that of Preston. At Augsburg⁴⁰ the assize punished the baker by a fine of 5s. for the first offence, 5s. for the second, and for the third he was punished *cute et crinibus* and abjured his trade in that city.

The 'Anc. Coutume de Normandie,' c. xvi.,⁴¹ reports that the custom which gave the settling of weights and measures to the barons of vills came to Normandy from England, for the kings of England introduced this custom: a passage which is of importance in the discussion of the question, to whom did the regulation of weights and measures belong in the Middle Ages? It will be

³⁷ *Ante*, p. 143.

³⁸ *Ordonnances*, iv. 9.

³⁹ *Records*, i. 70, 100.

⁴⁰ Keutgen, p. 92, c. 21.

⁴¹ Gruchy, p. 48.

remembered that the Domesday account of the pre-Conquest English customs at Chester records that women who made bad beer were punished with a fine of 4s. or the cucking-stool.

32. The phrase *burgensis de villa* looks as if a contrast with the *burgensis de curia* may be suggested. A liberty of this kind is to be confined to the resident burgess and not enjoyed by the *forinsecus*. Compare the shorter c. 47, below, most likely the original clause. The saving of the house as well as the chattels constitutes the important peculiarity. The case contemplated is the intestate's. Cnut (c. 70) ordered the lord to distribute the intestate's property for the good of his wife, children, and relatives. The introduction of the power of the church in controlling the distribution of the intestate's chattels was a very gradual process.⁴² The inclusion of the house with the chattels went far to deprive the lord of all power to secure escheat. At Cardiff, where the wife and children or relatives had the intestate's chattels, the house is not named, nor the duty to spend the inheritance in alms.

Iusticiarii here, as below, seems to signify seignorial officers, and is used in distinction to the borough's *prepositus*; cf. 43, 47.

33. The *aliquis* will be a strange merchant, not a burgess; see 22, § 1. The strange merchant is paid from the communal funds, that the borough may not suffer at the hands of the merchant's community. The *bursa domini regis* must be the purse of the community of Preston, at a time when the king was lord. It is a curious phrase, but it may, perhaps, be compared to the use of the phrases 'king's market,' 'king's chepyng,' 'king's ground,' 'king's shop' at Northampton.⁴³

Vel domum. The recalcitrant burgess's house can be seized, the chief power of enforcing the borough court's decisions.

34. A clause common to many charters; cf. Newcastle, c. 33.

35. *Transitum*, through-toll. The best account of the through-tolls is in 'Parl. Papers, Markets,' 1890-1, xxxvii. 63.

36. This looks like the last clause of one of the Preston charters. The rest seems to have been tacked on from another source, but what follows likewise shows some primitive characters.

37. This has its counterpart at Verneuil (see below), and recurs frequently in the charters of French boroughs, but the notion is one common to many primitive laws. Cf. 'Assisa Regis David,' p. 8. Violence done in the king's court by the hand, if it draw blood, involves loss of the hand as the penalty. Cf. the Hereford story told in part ii. p. 304, c. 6.

38. The phrase *de suo scensu* may mean that the penalty was only a year's rent, twelvepence, or it may possibly mean that the

⁴² See *H. E. L.* ii. 331, and Moore's *Privy Council Reports*, v. 434 sqq., for a learned historical discussion of the whole matter from the point of view of common and canon law.

⁴³ *Records*, i. 223-5.

reeve is heavily punished and forfeits his house. For *census*, apparently meaning house, see 'Ordonnances des Rois de France,' iv. 640, note *u*. At Hereford (c. 5) and Okehampton (below) the bailiff was quit of rent; it was not unusual to refund borough officers in this way.

39. 40*s.* in lieu, probably, of the normal 60*s.*; cf. above, c. 22, § 3, and note.

40. *Purgabit se solo*. Cf. c. 8, above, requiring the third hand in a particular case. The single-handed oath played a great part both in the French and in the English boroughs. Cf. 'Coutume de Lorris,' c. 32—

Et si aliquis hominum de Lorriaco accusatus de aliquo fuerit, et teste comprobari non poterit, contra prohibitionem impetentis per solam manum suam se deculpabit,

and Prou's references (*N. R. H.* 1884, p. 186) for the antiquity of this oath; 'Lex Salica,' ed. Pardessus, Dissertat. XI., p. 631; 'Mon. Germ. Hist.,' Leges, i. 146, &c.

The 'Leges Quatuor Burgorum,' c. xxviii., record that the burgess may by his sole voice put him to oath who denied his debt to him; and cf. Hereford, c. 2, above.

Si extra curiam. See end of note 21 on settlement out of court.

41. *Habebunt pannos*. I have failed to find any illustration of this rule in use elsewhere; but cf. note to c. 19.

42. Probably not early.

43. § 1. The rule which exempted the burgess from a distant *expeditio* or *equitatio*, *host* or *cavalcada* (*chevauchée*), or both, was a common one in France and Germany. In England it makes its appearance, so far as I have seen, only in the charters influenced by the Breteuil laws. At London a complete exemption appears in the charter of Edward III. (Mun. Gild. i. 146). Complete exemption was rare (Luchaire, 'Communes,' p. 178). The purpose of the rule *Mit der Sonne aus und mit der Sonne wieder ein*⁴⁴ is obvious; the burgess's military duties in the watch and ward of his own town, and the dangers that would arise if many left the town (cf. Hereford, c. 8), require such a rule. At Lübeck (c. 14)⁴⁵ the phrase is—

Cives vero iam dicte civitatis nullam expeditionem ibunt, sed civitatem suam defensabunt.

Hamburg burgesses were free of *expeditio* and *defensio* (c. 9).⁴⁶ At Freiburg-im-Breisgau the burgess could claim to return the following night (c. 33).⁴⁷ At Lorris and many French towns, return the same night from *expeditio* and *equitatio* was made a rule. M. Prou observes that the *expeditio* is for an important war, the *equitatio* for a lesser expedition, or as escort, but elsewhere the distinction

⁴⁴ Maurer *Städteverfassung* i. 489.

⁴⁵ *Ibid.* p. 66.

⁴⁶ Keutgen, p. 185.

⁴⁷ *Ibid.* p. 121.

drawn is one between royal service and aid to the lord in private war (Brutails, 'Roussillon,' p. 269, p. 167, where other French instances are given). See also Villeneuve St. Melon, in 'Ordonnances,' iv. 63, and Bourges, c. 2, in Giry, 'Documents,' p. 2, and Bonvalot's 'Beaumont' (return next day), c. 56. May not this privilege have been a cause of the fall of the burgess from his thegnhood, his lapse into a class not knightly? If there falls to him rather garrison duty than service 'at the front,' his position as a military man is bound to become one of less distinction.

§ 2. The phrase *iusticia oppidi* sounds foreign. The Verneuil charters use the word *iusticia* for *prepositus*. Thus in South France and the Italian towns *iudex civitatis* pressed out *scabinus*.⁴⁸ On the originally military character of the reeve as a town-commandant see Varges.⁴⁹

For an analogy to the passage on hearing the summons and not going, see Freiburg-im-Breisgau, c. 33 :—

Cum vero predicta expeditio communiter precipitur, quicumque civium audierit et non exierit, nisi legitimam causam pretendere poterit, domus eius funditus destruetur.

§ 3. The essoin of the wife's childbed is given in 'Anc. Coutume de Normandie,' c. xli. p. 120; but there it appears to excuse the woman only, when a charge is brought against her in court.

44. Probably one of the original laws, but this burghal privilege is very widespread and the Preston wording is not exceptional. Some Welsh cases cited below come closer in phraseology to the language of the Verneuil customs on this point.

45. *Se mutare*. The knight must appear in person to fight the burgess, who for this purpose is deemed his equal. He can only find a substitute if he pleads infirmity or one of the acknowledged impediments. The hired champion, lawful in Normandy, is said to have been not lawful in England till the end of the thirteenth century.⁵⁰

46. I have no other examples.

47. Compare the longer c. 32.

48. Cf. 'Hist. Engl. Law,' ii. 536, citing 'Anc. Coutume,' c. 76, p. 197, 'De Querelle qui naist de mesdict.'

Nasum suum digitis suis per summitatem tenebit et sic dicet: Ex eo quod vocavi te homicidam [&c.] mentitus fui.

The Harleian MS. gives at the conclusion of the copy a rough drawing of the Preston seal. It is the seal no. 5315 in Birch's 'British Museum Seals,' date 1376.

⁴⁸ Flach, *Origines* ii. 368; C. Hegel, *Ital. Städtewesen*, ii. 39, 102.

⁴⁹ *Jahrbücher f. Nationalökonomie*, lxi. p. 183.

⁵⁰ Bigelow, *Procedure*, p. 4.

Eight Suspected Cases.

i. STRATFORD-ON-AVON.—Dugdale's 'Warwickshire,' p. 476. English only, original lost.⁵¹

It was the possession of the bishops of Worcester, and received advantages by their favour, or by their procurement, 'whereof the weekly Mercate upon the Thursday is not the least . . . it was granted by King Richard the First unto *John de Constanciis*, bishop of Worcester, 25 Jan. in the seventh year of his reign, which bishop immediately thereupon, by his own deed reciting the said charter of King Richard, bestowed on his burgesses of Stratford (for by that name he calls them) the inheritance of their burgages, paying yearly for each of them to himself and his successors 12*d.* for all services. . . . To every of which burgages he thereby allowed three perches and a half in breadth, and twelve perches in length, so that they should be free of toll for ever, according to the *customs of Bristol*.

The reason for suspecting that at Stratford-on-Avon, where an English translation is the only evidence forthcoming, we have another case in point, lies partly in the yearly rent of 12*d.*, and the fixed measure of the burgage, but mainly in the phrase *secundum consuetudinem de B.* In no charter where Bristol has undeniably been the model is the phrase '*consuetudo de B.*,' '*lex*,' or '*leges de B.*' found to be used. The phrases used in connexion with Bristol are '*sicut in villa nostra de B.*,' '*sicut civitates de B.*,' '*homines de B.*,' '*burgenses ville B.*,' and so forth.

ii. TRIM. 'Chartae, Privilegia, et Immunitates,' p. 10; 'E Rot. Pat. Cromw., an. 1657, p. 3. m. 5.'

Sciant . . . quod ego *Walterus de Lacy* dedi . . . burgensibus meis de Trim omnes libertates quas habuerunt et quibus usi fuerunt secundum *legem Bristoll'* antequam chartam meam p̄ntem de dono meo obtinuerunt. [Grant of fuel in the forest and of pasture.] Preterea concessi eisdem burgensibus quod pacantur ad quatuor terminos anni de omnibus prisis per eos captis per me vel per ballivos meos, et si forte in primo anni quarterio non fuerint nihil mihi ulterius mutuabunt donec de termino illo fuerint pacati, et sic de aliis terminis supradictis. [Witnesses.]

iii. KELLS, in Meath. *Ibid.* 'E rot. mem. 29 Eliz. m. 10.'

Sciatis . . . quod ego *Walterus de Lacy* dedi . . . burgensibus meis de Kenlis *legem Bristolli* habendam illis et eorum heredibus sicut melius et liberius alicubi data et concessa est aliquibus civibus secundum continentiam rationabilem legis Bristolli ei prima institutione concessam et eis illos liberos et quietos esse de telones [*sic*] per totam terram

⁵¹ Dugdale's reference is 'Ex autog. in prefato armario,' apparently a cupboard in which was kept also the register belonging to the bishop of Worcester, called his Domesday Book. This is the 'Liber Albus Episcopi,' now not to be found either at Worcester or Hartlebury.

meam, quod nulli homini respondeant de aliqua causa versus illos meta versus hundredum suum nisi proprie persone mee causa pertineat; et tres acras ad quodlibet burgagium in campis. [Witnesses.]

iv. DULEEK⁵² (Meath). 'Report, Mun. Comm. Ireland,' 1835, p. 173.

That *Walter de Lacy*, lord of Meath, enfeoffed his burgesses of Dyveleke and their successors with divers privileges, laws, and customs, according to the *laws of Bristol*, is recited in an act of parliament of 20 Edw. IV.

In all these three cases I would lay stress on the conjunction of the phrase *lex* or *leges de B.*, not used in connexion with Bristol in the undeniably authentic cases. All these copies are very late, and there can, I think, be no doubt that the writing of the word *Britolium* as Bristol is erroneous. These three boroughs are the work of *Walter de Lacy*, who, as I have shown above (VI.), granted the 'Lex Britolli' to Drogheda, through his knowledge of the same as working at Ludlow (VII.)

v. OLD LEIGHLIN, 1201-1216. Ryan, 'History and Antiquities of the County of Carlow,' p. 59.

Herlwin became bishop of Leighlin in 1201 (and was bishop till 1216). He bestowed on the burgesses of Old Leighlin their burgages or dwelling-houses, accompanied by a grant of the franchises and *free laws of Bristol*, reserving to his see a yearly rent of 12*d.* out of every burgage. No full copy of the charter is extant.

vi. CASHEL. 'Report, Mun. Comm. Ireland,' 1835, p. 461.

We have been informed by *John Dalton, Esq., M.R.I.A.*, that in the year 1216 *Donat*, then archbishop of Cashel, erected this town, being the peculiar property of the see, into a borough, and thereupon gave burgage holdings to the burgesses thereof, together with the franchises or *free laws of Bristol*, reserving to the see a yearly rent of 12*d.* out of every burgage.

vii. KILMACLENAN (Co. Cork), 1226-38. *Caulfield's 'Rot. Clonensis,'* p. 17. The roll, according to *Ware*, was begun in 1364. *Daniel*, bishop of Cloyne in 1251, confirms a grant of *David* (bishop after 1226 and before 1238) granting to the burgesses and their heirs lands measured and perambulated, to hold at a rent of ten marks.

Et dicti burgenses et eorum heredes nobis et successoribus nostris secundum *legem Bristolii* in omnibus et per omnia respondebunt, et secundum eandem legem tractabimus eosdem.

viii. KILMEADEN (Waterford), P.R.O., Irish Royal Letters, 2052, now catalogued 'Ancient Correspondence,' vol. xxix. No. 4. In the time of Edward I. See *Sweetman's 'Calendar,'* no. 1179.

⁵² Omitted from Dr. Gross's lists.

Nos burgeys de Kilmidon avoient *la franchise de bristowe*, et par la chartre nostre seignur le Roy Henri pere notre seignur le Roy qe ore est, e meymes ceste chartre fust mange du (*sic*) leur porcs par mal garde.

In the cases v. to viii. the phrases 'free laws of Bristol,' '*lex Bristolli*,' '*franchise de Bristowe*' in documents which are not of early date is again the cause of suspicion. At *Old Leighlin* Hugh de Lacy, a descendant of the first Walter de Lacy, and himself acquainted with Verneuil, built a castle on the Barrow, not far from Leighlin.⁵³ Or not impossibly the Breteuil laws may have been introduced here by Roger le Poer⁵⁴ († 1186), who held lands in Herefordshire; he was governor of Leighlin under Hugh de Lacy.

Kilmecaden was part of the Le Poer territory, tracing back to Robert le Poer (*fl.* 1190), *custos* of Waterford, who owned 'all the lands between Waterford and the water of Lismore and Ossory.' Giraldus calls him a Marcher lord. On the other hand it is to be noticed that Waterford undoubtedly had the liberties of the burgesses of Bristol, and accordingly this case must not be regarded as fully established.

Derived Cases.

Dr. Gross's useful tables of the English towns which modelled their liberties upon an example named in their charters make it easy next to direct inquiry to those towns which took the customs of towns possessing the laws of Breteuil. The list shows how widely some elements of the Breteuil laws made their way into the border and Welsh towns; some of the derived cases—for instance, that of Haverfordwest in particular—have charters as rich in detail and of as much importance for the purpose in hand as those described above which are directly related to the French model; other cases must be briefly alluded to, to show that the foundation of the borough is too late in date to be of interest in the present inquiry.

(a.) Derived from Hereford.

The cases will be given as far as possible in their chronological order; they vary considerably in the amount of material they contribute to this inquiry, but it seems desirable that the list should be as complete as possible.

1. *Denbigh*.—According to the story told in the Customs of Hereford, in Hugh Suard's time (that is, 1273) a copy of the custom dealing with the question of the injuries done to citizens in foreign parts was sent to the Denbigh burgesses for the sum of forty shillings. Some traces of the fixed burgage-rent appear in the interesting charter⁵⁵ granted before 1290 by Henry de Lacy, earl

⁵³ Orpen's *Song of Dermot*, p. 306.

⁵⁴ Lewis, *Topogr. Dict.*

⁵⁵ *Arch. Camb.* 3rd ser. i. 185.

of Lincoln, after he had reorganised the town and built a new castle. There is a minute account of the sums paid for the rent of each bovate, for housgabel, and for relief (one penny). Each burgage was to provide one 'defensible' man for the ward and defence of the town. Furthermore an inquest of 1310-1 shows 120 burgesses, and that the rental for the Denbigh acre was 12*d*. Another inquest speaks of six score burgesses as rendering 40*s*. per annum, each of them 4*d*.⁵⁶

2. *Builth* (Co. Brecknock).—By a charter of Edward I, 1278 (Gross, ii. 355), this town obtained a gild merchant, sac and soc, &c., freedom from tolls, 'as our town of Hereford has hitherto used and enjoyed those liberties.'⁵⁷ The story of the town as told in Lewis's 'Topographical Dictionary' (where the history of the Welsh boroughs is often well treated) is this:—

The present town appears to have arisen subsequently to the erection of a castle there, probably by the Norman invaders of this part of the principality, under the command of Bernard Newmarch, about 1098. The first historical notice of this place occurs in an account of the marriage of Maud, second daughter of Milo Fitz-Walter, lord of Brecknock [i.e. Miles, earl of Hereford], to Philip de Breos, one of Bernard's followers . . . who . . . established . . . the lordship of Builth.

Builth may well have been made a *bourg*, after the pattern of the French *bourg* at Hereford, through the influence of De Breose or Bernard of Neufmarché, who settled in Herefordshire, and after 1088 built Brecknock Castle.

3. For at *Brecknock* again the Hereford rules appear. Brecknock received a charter from Humphrey de Bohun, earl of Hereford (*d.* 1274), confirmed 1276 by his son, who granted the burgesses 'privileges and immunities equal to those enjoyed by the city of Hereford.'⁵⁸ The grant may well be the confirmation of privileges already in use.

4. *Cardiff*.—In the account of the Hereford customs (above, p. 305) a citation has been made showing that Cardiff received Hereford customs. But at Cardiff we can go back far behind this to the copy of the 'Libertates et Libere Consuetudines de Kerdif et de Theokesburia date et concessa per Robertum et Willelmum comites aliquando Gloucestrie,' which has been printed more than once. The laws do not fall precisely into line with those now under discussion, but offer an interesting example of what a Norman lord would offer his burgesses when Breteuil was not in his thoughts. Fitzhamon, lord of Corbeil and Creully, &c., and of the honour of Gloucester, built the castle of Cardiff, and the record remains that among other

⁵⁶ John Williams, *Records of Denbigh and its Lordship*, p. 103.

⁵⁷ A full copy in *Arch. Camb.* 4th ser. x. p. xxxvi, but the details are not to our present purpose.

⁵⁸ Lewis, *Topogr. Dict.* I have not been able to see the charter.

privileges his burgesses received their burgages at the fixed rent of tweldepence in lieu of all service, that a burgess's liberties go with a burgage tenement, and that half a burgage held in chief of the lord will count as giving full burgess liberty, a clause which has a noticeable parallel at Verneuil; see below, Part III. Asson-in-law of Roger de Montgomery, earl of Shrewsbury, and as the Norman lord chiefly instrumental in planting the castles of South Wales, he was in all likelihood acting in co-operation with the other Marcher lords in deciding the lines of burghal development. See above (V.) for his connexion with Richard de Granville, who gave the laws of Breteuil to Bideford. In 35 Edward I there were 423 burgages, paying the burgage rent of tweldepence each, and the system was clearly lasting in the sixteenth century.⁵⁹ The charter of Hugh Le Despenser to Cardiff, 1340, speaks of the two reeves and the bailiff as quit of rent (see the note to Preston, c. 38), and contains further the following passage, which may well have made its appearance at Cardiff when the borough was first founded, although it does not occur in the 'Consuetudines' as we know them:—

Et quod nullus de burgensibus nostris predictis capi nec imprisonari debeat in castro nostro predicto pro aliquibus eos tangentibus dum manucapcionem seu plegiagium ad exteriorem portam eiusdem castri possent invenire nisi in casu felonie cum manuopere tantum capti fuerint, seu pro aliquibus nos aut familias nostras specialiter tangentibus.

This is paralleled by clauses of the Verneuil charters, and by other passages in Welsh charters which seem to trace to Breteuil.

5. *Haverfordwest*.—The Hereford Customs record that Robert Durward (bailiff after 1281–2) sent the men of the town of 'Herford' certain instructions on Hereford customs at their request, and in return for a payment of 5*l*. There appears to be no doubt that by 'Herford' Haverfordwest is meant. There is abundant evidence that the Breteuil laws were influencing Haverford at a much remoter date, at least as early as the time of William Marshal the first, earl of Pembroke, and probably (judging from the evidence of Henry II's Pembroke charter) going back to the time of the first builder of Haverford castle, commonly said to have been Gilbert, created earl 1138. The Haverfordwest charters have been printed in 'Arch. Camb.', 4th series, x. p. xxxvii, app., but, as the meaning has been obscured in places, and as these charters offer particularly good illustrations of the points belonging, I believe, to Breteuil, and of points that help in tracing the genealogy of the Welsh borough charters, some passages must be given at length here.

The charter roll 5 Edward III, no. 46, contains—

(i.) An inspeximus of a charter of 19 Edward I. (See the Charter Roll, 19 Ed. I, no. 7.)

⁵⁹ *Cardiff Records*, i. 207, 268.

1. Concessimus insuper dictis burgensibus quod ipsi pro transgressione seu forisfactura servientum suorum catalla et bona sua in manibus eorundem servientum inventa seu alicubi locorum per ipsos servientes infra terram nostram deposita quatenus ipsi burgenses bona illa vel catalla sua esse sufficienter probare poterunt non amittant.

2. Et quod si dicti burgenses aut eorum aliquis infra terram et potestatem nostram testati vel intestati decesserint, nos vel heredes nostri bona ipsorum confiscari non faciemus quin eorum heredes bona illa integre habeant, quatenus ea dictorum defunctorum fuisse constiterit, dum tamen de dictis heredibus fides aut noticia habeatur. . . .

3. Et eciam quod si aliquis eorum alicui infra burgum illum forisfecerit non ducatur infra portas castri nostri ibidem ad detinendum pro forisfactura illa dum bonos et salvos plegios invenire possit de stando iuri nisi in casu transgressionis in quo replegiabilis non extiterit.

4. Et quamvis aliquis eorundem burgensium rem aliquam claro die coram vicinis suis emerit que postmodum tanquam furtum calumpniata fuerit, nichil aliud ob hoc amittet nisi tantum rem illam set iurabit cum sacramento vicinorum suorum quod nescivit rem illam emptam fuisse de latrone. [Compare ii. 9, below.]

5. Et quod nullus eorum cogatur accommodare ballivo suo ultra xii d. nisi fuerit sua spontanea voluntate. . . .

(ii.) An inspeximus of a charter from William Marshal, earl of Pembroke, presumably the second William Marshal.

Inspeximus eciam cartam quam Will. Marescallus dudum comes Pembroc' fecit prefatis burgensibus in hec verba. Willelmus Marescallus Comes Pembroc' omnibus ad quos presens carta pervenerit tam presentibus quam futuris salutem.

1. Sciatis me dedisse, concessisse et hac presenti carta mea confirmasse burgensibus meis de Hauerford has libertates et liberas consuetudines subscriptas scilicet quod homo cuiuscumque condicionis sit ibidem habitans per vnum annum et diem absque calumpnia liber sit.

2. Item homo habens ibi domum vel terram et eam per annum et diem pacifice possidens non respondeat de ea absque breui domini Comitis.

3. Item quod habeant burgenses illi de foresta mea de Nerberd mortuum boscum sibi ad ardendum et viridem ad sibi edificandum racionabiliter per visum forestariorum.

4. Item licet burgensibus illis dare, vendere, et innadiare terras, domos et burgagia sua, salvo iure domini nisi in religionem.

5. Item licet eisdem capere namia pro debito suo in villa sua de debitore suo vel de plegio vel de homine vel de vicino debitoris illius qui fuerit de tenemento comitatus Pembroc'.

6. Item misericordia eorum non excedat xii denarios de aliqua loquela que ad hundredum pertinet.

7. Item burgensis captus a ballivo dimittatur per vadia et plegios nisi sit pro morte hominis captus et per iudicium hundredi deducatur de hoc quod ad hundredum pertinet.

8. Item heres burgensis quascumque morte preoccupati habeat hereditatem et catallum patris sui cuiuscumque sit etatis, dando pretori

xii denarios pro releuio suo⁶⁰ de burgagio scilicet nec sit nisi in custodia parentum et amicorum suorum, saluo sibi catallo suo, nisi pater eius fuerit vsurarius.

9. Item si res furtiua ematur in burgo suo de clara die coram testibus data inde consuetudine et ipsa res postea vendicetur, emptor inde habeat warantum suum si potest, sin autem et res illa probata fuerit fuisse alterius hominis, tunc emptor tantum perdat pecuniam quam pro re illa dedit, sine alia misericordia et sine alio dampno.⁶¹

10. Item si equus inventus fuerit in prato domini detur nummus pro eo de misericordia.

11. Item si dominus vel ballivus eius ierit ad parliamentum vel in exercitum, tunc eant burgenses illi cum eo cum quanta gente poterunt salva custodia ville sue. [Witnesses.⁶²]

(iii.) Inspeximus insuper cartam confirmacionis quam Will. Marescallus dudum Comes Pembroc' fecit prefatis burgensibus in hec verba : (after a grant of the Gild Merchant).

1. Preterea concessimus eisdem quod decetero nulli audiantur super petitionem aliquorum burgagiorum in villa Haverford qui ad summonicionem nostram non comparuerunt ad burgagia sua reedificanda et ad respondendum de areragia nobis inde contingentibus.

2. Item concessimus eisdem quod decetero de eis siccam molturam non capiemus nec capere faciemus.

3. Item concessimus eisdem quod decetero sint liberi de stallagio in villa Pembroc. [Witnesses.⁶³]

(iv.) Inspeximus insuper quandam aliam cartam quam idem Comes fecit eisdem burgensibus in hec verba. Will. Marescallus Comes Pembroc' Senescallis vicecomitibus constabulariis prepositis et omnibus ballivis et hominibus suis salutem.

1. Noveritis nos concessisse et hac presenti carta confirmasse dilectis et fidelibus burgensibus nostris de Haverford ut quieti sint per totam terram nostram de tonnagio.

2. Concessimus eciam eisdem quod nullus ipsorum ponatur in placitum de burgagio suo nisi coram nobis et per breve de recto.

3. Item quod nullus dissaisitus sit de burgagio suo nec de pertinenciis sine iudicio.

4. Item quod nulla creancia fiat ballivis ultra quarterium anni nisi exercitus veniret in terram nostram.⁶⁴

5. Item quod non vadant ad equitaturam nisi cum corpore nostro nec ad exercitum nisi cum corpore nostro vel cum capitali ballivo nostro ad communem defensionem terre nostre.⁶⁵

6. Item quod non capiantur sine iudicio nec detineantur contra vadium

⁶⁰ See Preston, c. 5, and note.

⁶¹ This rule, widely spread in Wales, is probably an old one; see the Pembroke charter printed in *Cal. Pat. Rolls*, 1377-81, p. 106, and one for Chester, *Hist. MSS. Comm.* 8th Report, App. p. 356.

⁶² The list includes Will. Crassus, steward of Pembroke; see the account of the family under Chipping Sodbury, above (X.)

⁶³ G. Men' (probably Gervase, bishop of St. David's, 1214-20), Joh. de Erlega (see *D. N. B.* xxxvi. 229), and others.

⁶⁴ Not the 40 days' rule, see Preston, c. 15; see Trim, *ante*, p. 513, for the quarterly payment.

⁶⁵ See notes to Preston, c. 43, § 1.

et plegium nisi in casibus *secundum formam in carta domini patris nostri contentam*.⁶⁶

7. Volumus eciam quod nullus mercator sit in terra nostra qui non sit residens in burgis nostris et quod naves venientes cum mercaturis in Milford non vadant alibi in terra nostra ad merces suas vendendas nisi apud Pembroc' vel Haverford' salvis tamen consuetudinibus nobis inde debitis . . . [Witnesses:—Will. Crassus the elder,⁶⁷ Hen. de Braboef, Rad. Bloet, Hamo Crassus,⁶⁷ etc.]

These important charters show that the laws of Breteuil, or at least a large part of them, were in use at Haverfordwest in the time of the first William Marshal (*d.* 1219). Of his work in Ireland following upon that of his agent, Geoffrey Fitzrobert, more must be said in another connexion. Also in a valuable *Pembroke* charter of Henry II, to be discussed subsequently, though neither Breteuil nor Hereford is mentioned, we shall find identical influences at work, very possibly to be traced back to Arnulph, castellan of Pembroke, son of Roger de Montgomery of Shrewsbury, and brother of Roger le Poitevin, whom we may call the founder of Preston.

6. *Carmarthen*, similarly, may have received its liberties from a Clare or a Marshal. In the Hereford Customs it is recorded that in Gaunter's time, 1281–2, a copy of the customs was sent. Henry III had granted to the town in 1266 'all the good customs formerly used in the time of King John.' His charter⁶⁸ orders that burgesses be not imprisoned in the castle if they can find pledges for pledgeable offences; it repeats the rule on the subject of purchases of stolen property made in daylight before neighbours.⁶⁹ Burgesses need not lend the bailiff more than 12*d.*⁷⁰ except of their own free will. In 1275 an inquest records nine score and one burgesses, each at an annual rent of 12*d.*

7. *Montgomery*.—In the town founded by Roger de Montgomery, earl of Shrewsbury (*d.* 1093), who was so active in spreading the Laws of Breteuil elsewhere, it is natural to expect to find traces of his work, but all the evidence we have is that in 1227 it undoubtedly had already the franchises of Hereford.⁷¹ Hubert de Burgh, in his charter to Montgomery, makes twenty days the limit of his steward's credit.

8. *Newtown*, in Montgomeryshire, of the founding of which nothing is known, had in the fourteenth century⁷² Hereford's laws.

9. Of *Droslan Castle* all that is known has been stated above in the account of the Hereford customs (*ante*, pp. 303, 4).

⁶⁶ See Preston, c. 44.

⁶⁷ See under Chipping Sodbury (X.)

⁶⁸ J. R. Daniel-Tyssen's *Carmarthen*, ed. A. C. Evans.

⁶⁹ As at Haverford (ii. 9).

⁷⁰ As at Haverford (i. 5).

⁷¹ *Rot. Chart.* 11 Hen. III, 1, m. 27. See also Eyton, xi. 134, 137, and *Arch. Camb.* 4th ser. x. app. p. xlv. Powysland Club *Coll.* xxi. 1–34.

⁷² Powysland Club *Coll.* xii. 101.

Other Descendants.—Lampeter (Co. Cardigan) was given the liberties of Montgomery in 6 Ed. I,⁷³ likewise Aberystwyth⁷⁴ (Llanbadarn Vawr, Co. Cardigan), but these cases are probably not to be assigned to an earlier date. Similarly at Bala, Conway, Criccieth, Harlech, all in 1284, and at Beaumaris, 1296, Edward I made the franchises of Hereford the model for their government, but by that time the original features had probably become indistinguishable.

The *Cardigan* case may possibly be traced back to a remoter date. Edward I in 1284 (9 Dec.) granted a charter⁷⁵ containing clauses identical with those of his Haverford charter, quoted above, and naming the liberties of Carmarthen as those which are to be the pattern for Cardigan. Cardigan had been, like Haverford, one of William Marshal's castles.

Guy de Brionne's charter⁷⁶ to *Laugharne* (or Talycharn) also directed that the liberties of the town should be those of Carmarthen in the time of King John. The charter does not allude to a tweldepenny amercement or to the tweldepenny burgage, but in the 'Cartae Baroniae de Kemeys' (p. 21) an inquest of 1 Edward II records that there were 216 burgages in *villa Tallauhern et Lansedurny*, worth 216s. The charter contains the lord's promise that if any burgess should forfeit anywhere within the town he shall not be brought within the gates of the castle if he can find pledges; that none shall be forced to lend the lord more than 12d. except of his own will; that the burgesses shall not go to the army, but guard the town as burgesses; and the stipulation concerning the purchase of stolen goods bought by daylight in the presence of neighbours.

Newport (Co. Pembroke). — Newport, or Newborough, had burgages in the time of John.⁷⁷ Martin de Tours, first lord of Kemmes, began the settlement. His son William built the castle and granted the burgesses a charter, confirmed by his son Nicholas. According to Lewis, a charter of Nicholas Fitzmartin comes from 6 Edward I.⁷⁸ It contains the low amercement and a mention of the single-handed oath. If any man of Kemmes, free or *gabularius*, falls into mercy in the hundred of Newborough *pro simplici querela* he gives only 12d. for mercy, like the other burgesses of the vill. He who does not come when summoned to arms on an expedition accompanied by the lord pays 5s. if free, or if *gabularius*

⁷³ See the confirmations in *Rot. Pat.* 4 Hen. VI, 1, m. 9. Dr. Gross cites a Bristol manuscript for the affiliation of Lampeter to Cardigan.

⁷⁴ *Placita de Quo Warranto*, p. 817; *Arch. Camb.* 4th series, iv. 171; Meyrick, *Cardiganshire*, p. 503.

⁷⁵ Printed from a confirmation of Henry VIII in a badly garbled form in Meyrick's *Cardiganshire*, p. 498. See *Plac. de Quo Warr.* p. 820.

⁷⁶ It is printed in a very garbled form from a Laugharne copy in *Arch. Camb.* 4th ser. suppl. p. xli. ⁷⁷ *Cal. Rot. Chart.* p. 21.

⁷⁸ Cf. *Cartae Baroniae de Kemeys*, p. 1 sqq. The *Mun. Corp. Comm. Report*, 1835, dates Nicholas's charter 1192.

he pays an amercement to the lord of whom he holds. The fine for escaping the toll of Newborough market is 7*s.* to the lord, unless the offender will take the oath with his own hand.

(b.) *Derived from Rhuddlan.*

Flint, which had been part of Robert of Rhuddlan's land (D. B. 'Coleselt'), had the liberties of the burgesses of Rhuddlan in 1283. In that year or the next Edward I, confirming their liberties, treated them as being like those of Hereford. The date of the first building of the castle is uncertain.⁷⁹

Overton, or Overton-Madoc (Co. Flint), five miles from Ellesmere (see no. XII.), may possibly be an early case. The Domesday holder was Robert Fitzhugh of Malpas, one of the barons of Earl Hugh of Chester. In 1293 Edward I⁸⁰ assigned certain places in his demesne near his castle of Overton to the burgesses on which to build their burgages, and he assigned, further, arable and wood according to the justice of Chester's discretion, quit of farm, paying for ten years to come 'as our burgesses of Rhuddlan and our other burgesses of those parts.' In the preceding year he had conferred a charter making Overton a free borough, directing that the messuages be held for the accustomed services, and that no burgess be forced to lend the bailiff more than 12*d.*⁸¹

Caerwys, or Englesfield (Co. Flint), in 1290 was given the liberties of Conway or Rhuddlan by Edward I.⁸² The case is probably a late one. The charter of Henry III to the men of Englesfield⁸³ would go to prove that there was then no borough.

Hope (Co. Flint).—The castle, Caergwrlle, is a mile from the village. It does not appear that a borough was formed early at Hope. The evidence that its franchises were those of Flint and Rhuddlan comes from 25 Edward III.⁸⁴ Another late case is that of *Newborough*, in Anglesea (four miles from Carnarvon), which received in 31 Ed. I a charter from Edward, Prince of Wales, confirming to its burgesses the liberties of Rhuddlan; and after the pattern of Newborough Edward the Black Prince fashioned the liberties of Nevin and Pwllheli, both in Carnarvonshire.

(c.) *Derived from Shrewsbury.*

Oswestry is probably an early example. Eyton has identified it in Domesday as Castellum Luvre (the Work). The first direct evidence is a charter from William FitzAlan, 1190–1200, by which he receives into his hand and protection his burgesses of Blacminster (Oswestry), i.e. those who took messuages from his bailiff

⁷⁹ H. Taylor, *Flint*, p. 15.

⁸⁰ *Rot. Claus.* 21 Edw. I, m. 27.

⁸¹ *Rot. Chart.* 20 Edw. I, no. 55; G. J. Howson, *Overton*; Madox, *Firma Burgi*, p. 39. See Haverfordwest, Carmarthen, &c.

⁸² Gross, *Gold Merchant*, ii. 357.

⁸³ *Rot. Chart.* 26 Hen. III.

⁸⁴ *Chester Recog. Rolls*, no. 34, mem. 3.

for the improvement of his market (*ad emendationem merchati mei*). He promises to maintain them against all men, and that they shall hold their messuages of him in peace according to the laws and customs which the burgesses of Shrewsbury have in their borough. The rest of the charter is torn.⁸⁵ Eyton cites next a patent of 1304⁸⁶ which gives an account of the borough's liberties. A burgess of Oswestry, if he wounded or maimed a fellow burgess, was, according to the local law, amenable to an extreme penalty of 5s.⁸⁷ There were complaints of heavy amercement by the steward.

An inquest of 30 Edward I shows that a number of the burgages were held at a rent of 12d., but not all.⁸⁸ The case of Oswestry must be interpreted in connexion with the Ruyton case (no. XIV.) In Domesday Book Oswestry Castle (Luvre) is spoken of as the work of the sheriff Rainald. He had succeeded Earl Roger of Shrewsbury's sheriff Warin a year or two before Domesday was compiled. Rainald was succeeded by Alan son of Flaald, who married the daughter and heir of Warin. The castle was at times in the hands of the Welsh, and in 1148-9 Madog ap Meredith rebuilt it. In 1155 William FitzAlan, Alan FitzFlaald's son, recovered it, having married the widow of Madog. It was their son who granted the charter cited above.

By William FitzAlan's marriage with Isabella de Say he became further lord of *Clun*. A Clun charter now lost is believed to be in like terms to that granted by Edmund, earl of Arundel, to Ruyton.⁸⁹ An extant charter of 1293 to the Welshmen of 'Tempter,' from Richard, earl of Arundel, has the rule allotting forty days as the lord's period of credit. In 1302 eighty-five burgages paid a rent of 85s. (Eyton xi. 292-3). The clause which orders that 'burgesses be not compelled to answer word for word to any pleading, but only by three words⁹⁰ that it is not as alleged against them,' points to the Norse *tuertutnay*, introduced here, perhaps, through the influence of the Cheshire palatinate.

MARY BATESON.

(To be continued.)

THE WILL OF NICHOLAS LONGESPEE, BISHOP OF SALISBURY.

THE following document is preserved in the muniment room of Salisbury cathedral, Press iv. box W. The parchment measures $17\frac{1}{2} \times 13\frac{1}{4}$ inches; the writing, $16 \times 10\frac{1}{2}$ inches. The document was folded in on all sides, and the dorse, 9×5 inches, entirely filled by the probate act.

⁸⁵ Eyton, *Shropshire*, x. 325.

⁸⁶ *Ibid.* p. 334.

⁸⁷ This is more like the custom of Lorris than the custom of Breteuil. The reduction of the 60s. amercement to 5s., and the 5s. amercement to 1s., was a very common French burghal privilege.

⁸⁸ *Inquis.* 30 Ed. I, no. 30.

⁸⁹ *Shrops. Arch. and Nat. Hist. Soc.* 2nd ser. iii. 239 (1891).

⁹⁰ *Ibid.* xi. 244 (1888).

Bishop Nicholas Longespee was treasurer of Salisbury, 1278–1291, and bishop, 1291–1297. He was the fourth son of William Longespee, earl of Salisbury, by Ela, daughter and heiress of William, second earl of Salisbury, the foundress of Lacock abbey. He lived to a great age, and was buried at the entry of the Lady chapel in his cathedral, and his heart deposited at Lacock, where a stone incised with three croziers is supposed to have marked the site. This stone is now in the cloisters.

In dei nomine amen. Ego Nicholaus Lungespee Sarresbiriensis Ecclesie minister humilis condo testamentum meum in hunc modum videlicet in manerio nostro apud Remmesburiam in festo sancti valentini martiris. Anno domini M^o.CC^o. Nonogesimo quinto. In primis lego animam deo creatori meo, et corpus meum ad sepeliendum in maiori ecclesia Sarresbiriense, coram altare beate virginis vbi cantatur salue, ad pedem tumuli patris mei. Item lego ad magnum altare duas pelues meas argenteas meliores, et nouum vestimentum meum pontificale cum toto apparatu diacono et subdiacono. Item lego ducentas marcas ad emendum ducentos solidos annui redditus ad faciendum annuuersarium meum et patris mei singulis annis inperpetuum, et hoc fiat secundum ordinationem Decani, Capituli et executorum meorum. Item lego Cor meum ad sepeliendum in Abbathia de Lacok, et cum eo crucifixum meum argenteum. Ita quod infigatur in medio altaris quod situm est ibidem in choro monialium. Item lego predictae Abbathie duas pelues argenteas, calicem meum una cum duabus fialis argenteis maioribus, et aliis duabus minoribus argenteis, cum pennario et vnum anulum aureum saphiro ornatum, et vnum vasculum eneam ad aquam benedictam portandam ad cameram Abbatisse. Item lego ad infirmitorium ibidem tria paria ferrea ad wafras, neulas, et galettas faciendas. Item lego predictae Abbathie ducentas marcas sterlingorum sub hac forma, videlicet quod Abbatisa quae pro tempore fuerit et Conuentus eiusdem loci duos capellanos perpetuos ibidem inueniant pro anima mea et parentum meorum et omnium fidelium perpetuo celebraturos. Ita quod si istud acceptent volo quod tempore solutionis dictarum ducentarum marcarum obligentur Abbatisa et Conuentus per instrumentum sigillo communi roboratum ad istud fideliter obseruandum, alioqui fiat de dictis ducentis marcis pro anima mea secundum quod executores mei melius viderint expedire. Item lego domine Ele Comitisse de Warrewik sorori mee vnam copam deauratam. Item lego domine Margarete de Lascy nepti mee Comitisse Lincolnie vnum pitcherium argenteum, vnam copam deauratam cum coopertulo quam dominus Robertus de Wichamton quondam Episcopus Sarresbiriensis mihi legauit, vnum chiphum de nuce, et ymaginem quam circa collum meum portare solebam, vnum ciphum argenteum speciebus assignatum quem ex dono ipsius habui, et illud cochlear quod ori meo deputabatur et duo cochlearia in medio nodata, duo rocheta in quibus celebrare consueui, vnam mappam, vnum manutergium quod habui de domina Ela matre mea. Item lego domine Eiueline Lungespee nepti mee vnam copam argenteam de qua vinum potare consueueram. Item lego Priori et Conuentui de Henton decem marcas. Priori et Conuentui de Bradenestoke decem marcas. Abbati et Conuentui de Abbodesburia decem marcas. Abbati et Conuentui

de Schireburn decem marcas. Abbatisse et Conuentui de Schafton triginta marcas. Abbati et Conuentui de Radingh viginti marcas. Priorisse et Conuentui de Bromhale decem marcas. Priorisse et Conuentui de Kynton decem marcas. Priori et Conuentui de Powghele decem marcas. Priori et Conuentui de Mandelford quinque marcas. Fratribus et sororibus hospitalis sancti Nicholai Saresbirie decem marcas. Fratribus et sororibus de Maidenbradeleye decem marcas. Abbati et Conuentui de Cerne decem marcas. Abbatisse et Conuentui Wilton decem marcas. Abbatisse et Conuentui de Tarent decem marcas. Preposito et capellanis sancti Edmundi Sarresbirie decem marcas. Abbati et Conuentui de Midleton xl solidos. Item scholaribus de valle scholarum Saresbirie xl solidos. Priori et Conuentui de Monte Oderoso xl solidos. Item lego fratribus predicatoribus Sarresbirie quinquaginta marcas ad fabricam ecclesie sue, fratribus minoribus Sarresbirie Centum marcas ad fabricam ecclesie sue, fratribus predicatoribus Cantuarie viginti solidos, fratribus minoribus ibidem viginti solidos, predicatoribus Warrewik viginti solidos, fratribus minoribus Couentriis viginti solidos. Item lego fratribus minoribus Radingh xl solidos, fratribus minoribus Dorsete xl solidos, fratribus predicatoribus Exonie xl solidos, minoribus ibidem xl solidos. Item fratribus predicatoribus Oxonie xl solidos, minoribus ibidem xl solidos. Item lego pauperibus parachianis apud Sutton xl solidos. Apud Taneworth xl solidos. Apud Lacok xl solidos. Apud Calne quinque marcas. Apud Yatesburiam viginti solidos. Apud Fikelden xl solidos. Apud Alwardburiam et Putton xl solidos. Apud Iwern et Henton sex marcas. Apud Henlegam xl solidos. Apud Gussich viginti solidos. Apud Wicham xl solidos. Apud Suthanton xl solidos. Item lego magistro Willelmo de Abindon Archidiacono Wiltes unam copam argenteam, domino Ricardo de Coleshull militi vnam copam argenteam et viginti marcas pro seruicio suo mihi impenso. Magistro Ricardo de Sottewell canonico Saresbiriensi vnam copam argenteam et centum solidos. Domino Sthephano de Remmesburia vnam copam argenteam et centum solidos. Domino Willelmo de Braybrok Rectori ecclesie de Wittenham vnam copam argenteam et centum solidos. Nicholao de Ruddham centum solidos. Magistro Ricardo de Porstok centum solidos. Domino Ade vicario Thesaurarii Sarresbiriensis centum solidos. Domino Roberto de Iernemue vicario Sarresbiriensi centum solidos. Domino Roberto vicario de Remmesbiria octo marcas. Item lego vicario meo n ecclesia Saresbiriensi quinque marcas. Ita quod predicti Adam, Robertus, Robertus et vicarius meus predictus, quilibet per se statim post decessum meum celebretur, uel celebrari faciat vnum annuale pro anima mea et pro animabus omnium fidelium. Item lego nouum missale meum Ecclesie de Calne. Lego melius portiforium meum domino Nicholao de Iarpenuile et viginti marcas. Item lego missale meum vetus, nouum portiforium, Psalterium, melius vestimentum capelle mee, vnam capam chori de serico vna cum frontallo et palliis altaris Ecclesie de Iwerneminstre. Lego vestimentum quod habui ex dono Magistri Walteri quondam sen[escalli?] mei Ecclesie de Henlega vna cum tropario meo. Lego Thome filio Gilberti consanguineo meo decem marcas. Nicholao filio Lamberti filiolo meo decretales meas. Volo preterea quod illi pueri quos nunc exhibeo in scholis Oxonie, videlicet Nicholaum Iarpenuile, Thomam filium Gilberti,

Nicholaum et Walterum filios Lamberti de bonis meis exhibeantur in scholis per annum integrum post decessum meum. Item lego Johanni de Herterigg sexaginta marcas, decem boues, sex vaccas, ducentas oves et viginti porcos. Item lego Lamberto camerario et alumpno meo Centum libras sterlingorum, sexdecim boues et sex vaccas, ducentas oves, et viginti porcos de melioribus bobus vaccis ouibus et porcis meis vbicunq̄ue existentibus. Lego eidem Lamberto omnes discos et salsarios meos argenteos, vnum salerium argenteum, duo magna et vnum modicum pitcherum argenteum, viginti et octo coclearia argentea, vnam copam argenteam, Octo ciphos platos argenteos, duos ciphos de mazerō cum pedibus, et duos sine pedibus. Lego eidem omnia vasa et vtensilia mea enea et erea de camera et coquina, et omnia vasa et vtensilia lignea et metallina de panetrio meo, botelaria, pistrino, et bracino. Lego eidem omnes coffras de camera et Garderoba mea vna cum omnibus pertinentibus ad Warderobam, vt in pannis, Cauena et panniculis et rebus aliis diuersis quibuscunq̄ue. Item volo quod omnia ista predicto Lamberto legata statim post decessum meum eidem liberentur indilate, antequam fiat aliqua executio huius testamenti seu administracio. Preterea volo quod dictus Lambertus exhibeatur de bonis meis per annum integrum in omnibus sibi necessariis post decessum meum. Item lego cuilibet de armigeris meis decem marcas. Lego Waltero carpentario decem marcas, Johanni le Ferur decem marcas, Johanni Drew decem marcas, Johanni Walwain Centum solidos. Item singulis vallectis meis de officio vi. marcas. Lego subcamerario meo Centum solidos, Cuilibet clerico capelle mee sex marcas. Lego Roberto de Litleton decem marcas. Item Lego singulis garcionibus meis propriis quatuor marcas. Item lego Lamberto alumpno meo totum atirum de meliori armatura mea ad corpus suum et ad equum cooperiendum. Lego Johanni de Herterigg armaturam pertinentem ad corpus suum et ad equum cooperiendum. Lego domino Willelmo de Braybrok Rectori ecclesie de Wittenham armaturam pertinentem ad corpus suum et ad equum cooperiendum. Lego Willelmo de Barneuil armaturam pertinentem ad corpus suum et ad equum cooperiendum. Et volo quod residuum armature mee distribuatur inter reliquos armigeros meos secundum dispositionem executorum meorum. Quibus omnibus de familia mea prescripta, Ita lego et non aliter nisi in seruicio meo vsque ad obitum meum permanserint. Ceterum volo quod omnia debita mea priusquam aliqua huius testamenti mei fiat administracio plenarie persoluantur. Exceptis legatis Lamberto alumpno meo, que quidem volo quod eidem liberentur prout superius annotatum est. Huius autem testamenti mei executores tales constituo. Primo videlicet Magistrum Ricardum de Sottewell Sarresbiriensem canonicum. Dominum Stephanum de Remmesburia Ecclesie predictae succentorem. Dominum Willelmum de Braybrok Rectorem Ecclesie de Wittenham. Iohannem de Herterigh et Willelmum de Barneuille, et eorum cuilibet Lego Centum solidos. Ad consumpnacionem huius testamenti mei omnia bona mea mobilia et immobilia non legata vendantur. Et si qua residua fuerint erogentur pro anima mea, secundum quod executores mei melius viderint expedire. Volo eciam quod istud testamentum meum, quam cito plenarie fuerit executum, apud Sarresbiriā in Tesauria imperpetuum commendetur. Ad huius enim rei

evidenciam presenti testamento meo sigillum meum duxi apponendum. Et sigilla executorum meorum apponi procuravi ad memoriam futurorum.

Item Lego fabricæ Ecclesie Sarresbiriensis viginti libras. Item Johanni filio Willelmi de barneule et Margarete sorori sue procreatis de Alicia vxore dicti W. viginti marcas. Item lego domino Henrico vicario de Inglesham ad celebrandum vnum annuale pro anima mea et omnium fidelium quinque marcas.

There were originally seven seals appended, of which six, all of black wax, remain.

No. I. is missing. It was a large vesica-shaped seal, as appears from the mark left by it upon the parchment where it was folded. The measurements of the mark are 3 inches by $1\frac{1}{4}$ inch, which correspond with those of the seal of the dean and chapter of Salisbury.

No. II. is the seal of the testator. This seal is broken, but the whole of the figure of the bishop, except the head, remains, and also to the left of the figure a shield with his arms and part of the legend ‘. . . HOLAI D . . .’ Between the effigy and the shield is a long sword erect in pale, the hilt in base. On the parchment slip to which the seal is attached is written ‘Sigill Nichi Epi Sarr.’

No. III. is the seal of Richard de Sottewell; it is oval, measuring rather more than an inch in length. The device is a three-faced head within a border which bears the legend ‘S. Magistri Riçi de Sottewell.’ On the parchment slip is written ‘Mağr Riçus de Sottewell.’

No. IV. is the seal of Stephen de Ramsbury; it is vesica-shaped, measuring an inch and a half by an inch, of an architectural design, with a half-length of the Virgin and Child in the upper part and a half-length tonsured figure in the attitude of prayer below. On the parchment slip is written ‘Sigillū dñi Stephi de Remmesbiria.’

No. V. is the seal of William de Braybroke; it is oval, about an inch in length, and the device is a figure of the Virgin seated with the Holy Child upon her knees, before them a figure in a cowl praying. The legend is ‘Sis Michi Propicia Willelmo Virgo Maria.’ On the parchment slip ‘Sigill dñi Wiffi de Braybrok.’

No. VI. is the seal of John de Herterigg. It is circular, about an inch in diameter; upon it is a shield bearing three birds with wings closed, and a label of three points. The legend is ‘S. Johis De Hertregge.’ On the parchment slip ‘Sigill Johis de Herterigg.’

No. VII. is the seal of William de Barneville; it is vesica-shaped, rather more than an inch in length; the design is a right hand and arm holding a sword erect, the legend is ‘S. Wiffi De Barneville.’ On the parchment slip ‘Sigill Wiffi de Barneule.’

On the back is the following act of probate:—

Probatum est hoc testamentum et in forma iuris apertum coram domino Roberto dei gracia Cantuarie Archiepiscopo tocius Anglie primate,

et pro eodem testamento per ipsum Archiepiscopum pronunciatum apud Chartham die mercurii proxima post festum Ascensionis domini, videlicet iiij^o Kalendas Junii Anno domini M^o.CC^o. nonagesimo septimo. Et prestito iuramento a magistro Ricardo de Sottewelle dominis Stephano de Rammesbery Willelmo de Braybrok Canonicis Saresbiriensibus et Johanne de Hertrugge executoribus in dicto testamento nominatis dictis die et loco presencia de faciendo fidele inuentarium quamcicuis potuerint oportune de bonis dicti defuncti, seu de hiis que fuerant in bonis eisdem, et de fideliter administrando de bonis ipsis iuxta voluntatem vltimam testatoris cum eisdem executoribus ipsa administracio fuerit in forma iuris concessa, ac eciam de fideli compoto coram dicto domino Archiepiscopo uel alio quo ad id per ipsum Archiepiscopum deputando de administracione predicta tempore competenti reddendo, conceditur executoribus ipsis per dictum dominum Archiepiscopum de sua gracia speciali hac vice ex causis certis et pro bonis dicti testatoris saluandis vt bona ad testamentum ipsum spectancia prout prefato defuncto expedire prospexerint statim vendant, et pecuniam exinde redactam colligant et in euentum administracionis eisdem executoribus plenarie concedende tute reponant, et congrue faciant custodiri. Ita tamen quod hoc in aliis testamentis decetero ad consequenciam non trahatur, et quod dicti executores de bonis eisdem vltra impensam funeris nichil soluant quousque facto et approbato inuentario supradicto plena administracio executoribus ipsis de bonis huiusmodi sit concessa. Probatum est eciam dictum testatorem in expressione sue vltime voluntatis coram testibus ad id conuocatis expresse dixisse ac eciam precepisse quod si quid legatariis eiusdem testamenti post ipsius testamenti confectionem per testatorem eundem uel eius nomine prestitum fuerit aut solutum, id in legatis ab ipsis legatariis allocetur ac eciam computetur, et legata quo ad residuum si bona sufficient persoluantur. Et decretum est per dominum Archiepiscopum quod sic fiat.

* HENRICUS FERAR



Registrarius

[Endorsed in a hand of the fifteenth century 'Testamentum domini Nicholai Longespee Saꝛ quondam Episcopi,' and below the Probate Act in the same hand: 'Testamentum domini N. Lungespee nuper Saꝛ Epi,' and there is added in another hand of the same period 'videatur si ad pertineat ad Cantarias vel pro obitu suo.'

W. d. 1.

Above the Probate Act in a seventeenth century hand: 'Vltimum Testamentum Nicolai Longspee Episcopi Sarum probatum 4^o Kal Iunii Ann D 1297'; added in another rather later hand 'ad fabricam eccæ Sarum 20 libras.']

A. R. MALDEN.

WYCLIFFE'S PREFERMENTS AND UNIVERSITY DEGREES.

THE following two documents are the only ones yet found in the Vatican archives which throw light on Wycliffe's preferments, and especially on the chronology of his university degrees. They belong to the registers of petitions and the so-called Vatican registers. The yet unexplored series of Avignon registers may also in its turn be expected to yield its contribution. The information contained in these two documents has been utilised by Mr. Rashdall for his article on Wycliffe in the 'Dictionary of National Biography,' lxiii.

J. A. TWEMLOW.

I.

1862, 24 November, Avignon. Petition to Urban V from the University of Oxford for provision to be made to John de Wyclif, priest, M.A., of a canonry and prebend and a dignity of York, notwithstanding that he holds the church of Filingham,¹ value thirty marks. Granted in Westbury.² *Reg. Supplic. (Urban. V.), xxxiv. f. 207.*³

f. 207. ROTULUS MAGISTRORUM UNIVERSITATIS OXONIE.

Sanctitati vestre supplicant filii vestri humiles et devoti cancellarius et ceteri unanimis magistrorum universitatis Oxonie quatenus gracias infrascriptas eis de begninitate [*sic*] solita concedere dignemini et signare, cum reservacione, inhibicionem, et decreto, acceptacionem, et anteferri, ac aliis clausulis consuetis et eciam oportunis, et eciam executoribus, ut est moris.

The fifth petition on the roll occurs on f. 207 d.

Item. Supplicant sanctitati vestre quatenus Johanni de Wychif [*sic*] Eboracensis dyocesis, clerico et presbytero ac magistro in artibus, de canonicatu et prebenda cum dignitate in ecclesia cathedrali Eboracensi dignemini providere, non obstante quod ecclesiam parochialem de Filingham Lincolniensis dyocesis, taxe xxx marcharum sterlingorum, optinere noscatur. Fiat in ecclesia de Westbury diocesis Wigorniensis, B.⁴ *In margin W. [i.e. Wigorniensis].*

¹ Fillingham, Co. Lincoln.

² Westbury-on-Trim, Co. Gloucester.

³ *Calendar of Petitions*, i. 390.

⁴ The capital letter added after the word *Fiat* is, in the case of Boniface IX (1389-1404) and his successors of the Roman obedience, and so down to the present pope, invariably the initial letter of their Christian name. For the popes of the Avignon period, however, and their successors of the obedience of Avignon it is not clear what determined the choice of the particular letter used in their signatures. John XXII (James Arnaldi d'Ense) and Benedict XII (James Novelli, *alias* Fournier) both have, like Urban V, *Fiat B*. Clement VI and Gregory XI, who were each named Peter Roger, or Rogier, both sign *Fiat R*. The *Fiat G* of Innocent VI (Stephen Alberti, Aubert) least of all admits of explanation. Of the popes of the obedience of Avignon during the schism Clement VII (Robert of Geneva, *Gebennensis*) has *Fiat G*, and Benedict XIII (Peter de Luna) has *Fiat L*; and their practice suggests that in the fuller form of Urban V's name, William Grimoard *de Beauvoir*, may be found a possible explanation of his *Fiat B*. Although a satisfactory explanation has not yet been given, it is meanwhile permissible to doubt whether, as suggested by Bresslau (*Urkundenlehre*, i. 738), the choice of initial letter in the signatures of the fourteenth-century popes was purely arbitrary. Several of them, including Urban V,

The date, *viii Kalendas* [corrected from *Idus*] *Decembris anno primo*, occurs, as usual, at the end of the roll.

II.

1373, 26 December, Avignon. Grant by Gregory XI to John Wiclif, M.A., S.T.M., rector of Luggersale,⁵ that he may retain his canonry and prebend of [Aust in] Westburi, even after he obtains possession of a canonry and prebend of Lincoln; notwithstanding the clause to the contrary in the provision lately made to him by the pope of a canonry of Lincoln, with expectation of a prebend, soon after which provision he became licentiate, and then master, of theology. *Reg. Vat. (Greg. XI), cclxxxiv. f. 183.*⁶

[Gregorius etc.] dilecto filio Johanni Wiclif, canonico Lincolnensi, magistro in theologia, salutem &c. Litterarum sciencia, vite ac morum honestas, aliaque probitatis et virtutum merita quibus personam tuam fidedignorum testimonio inuari percepimus, nos inducunt ut te dono specialis favoris et gracie prosequamur. Dudum siquidem tibi de canonicatu cum reservacione prebende ecclesie Lincolnensis tunc in ea vacantis uel vacature per nostras litteras providimus, volentes inter cetera quod quamprimum vigore litterarum ipsarum canonicatus et prebende predictorum possessionem fores pacificam assecutus, canonicatum et prebendam ecclesie de Westburi Wigorniensis diocesis, quos tunc temporis obtinebas prout adhuc obtines, quosque ex tunc vacare decernimus [sic], omnino dimittere tenereris, prout in eisdem litteris plenius continetur. Nos igitur, volentes te qui eciam ut asseris in artibus magister existis, et cito post datam dictarum litterarum in theologia licenciatus et demum magister fuisti, premissorum meritorum tuorum intuitu prerogativa prosequi favoris et gracie potioris, tuis in hac parte supplicationibus inclinatis, volumus et tibi parochialem ecclesiam de Luggersale Lincolnensis diocesis obtinenti apostolica auctoritate concedimus quod, voluntate et decreto nostris supradictis nequaquam obstantibus, predictos canonicatum et prebendam dicte ecclesie de Westburi, eciam postquam vigore dictarum litterarum predictos canonicatum et prebendam dicte ecclesie Lincolnensis, quos nondum adeptus es, fueris pacifice assecutus possis licite retinere. Nulli ergo etc. nostre voluntatis et concessionis infringere etc. Datum Avinione, vii Kalendas Januarii anno tercio.

ELIZABETHAN GLEANINGS.

III. *Pius IV and the English Church Service.*

It has long been known that Pope Pius IV did something in the way of prohibiting those Englishmen who were likely to attend to papal commands from participating in the worship of the English church. I am not aware, however, that the document in which were monks, but it is not known what, if any, cloister names they assumed. (The signatures of John XXII, Benedict XII, and Gregory XI, whose registers of petitions have disappeared, are preserved, it may be remarked, in their chancery rules. See E. von Ottenhal, *Regulæ Cancellariæ Apostolicæ* [Innsbruck, 1888], pp. 2 sqq., 9, and 31.)

⁵ Luggershall. Co. Bucks.

⁶ *Calendar of Papal Letters*, iv. 193 (in the press).

he spoke his mind has been printed, though a copy of it is lying very close to our hands among the transcripts which Froude brought from Simancas.¹ My attention was drawn to this copy by a short note contained in Major Hume's 'Calendar of Spanish Papers,' apparently thinking that its subject-matter was of little interest to deserve any but the briefest notice. Yet I think that the following 'Case and Opinion' are none too well known even among professed students of ecclesiastical history.²

On 7 Aug. 1562 Alvaro de Quadra, the Spanish ambassador in England, wrote to Francesco de Vargas, the Spanish ambassador at Rome, to the following effect:—

The enclosed paper has been given to me on behalf of the catholics of this realm. They desired that it should be sent to Trent, but I think that you had better lay it before his holiness, for he is more perfectly informed about the circumstances of the case than those at Trent are likely to be. The case is novel and unusual; it is very different from an ordinary case of communicating with excommunicates. The question *Si est. metus aut coactio?* cannot be seriously raised; the coercion is absolute, for capital punishment is imposed on every one who will not live as a heretic. Also in this instance we have only to do with presence at what are called 'common prayers,' and these contain no impiety or false doctrine, for they consist of Scripture and prayers taken from the catholic church, though what concerns the merits and intercession of saints has been omitted. Moreover we have not to deal with the communion, which is celebrated only at Easter and other great festivals. The question is solely as to presence at these 'common prayers.'

The writer adds that he has been chary of giving advice to those who have consulted him, since he wished neither to condemn the feeble nor to damp the ardour of the strong. As I understand him, he doubts whether any general rule will adequately meet all possible cases.³

The question that was submitted to the pope and the answer that he gave to it—the answer seems to have been dated on 2 Oct.—run in the following words:—

Casus est:—

Quidam principatus lege et statutis prohibuit sub poena capitali ne aliquis sit catholicus, sed omnes vitam hereticam agant, et intersint psalmis eorum more lingua vulgari decantandis, et lectionibus ex Bibliis

¹ Brit. Mus. Add. MS. 26056, pp. 182, 185.

² *Spanish Calendar*, 1558-67, p. 258. 'Sends an address from the English catholics asking for an authoritative decision as to the legality of their attending the reformed services. Sets forth the arguments in favour of their being allowed to do so.'

³ This covering letter is in Spanish. The 'Case and Opinion' are, I think, in Froude's own handwriting. I will give them as they stand; some small emendations will occur to the reader.

lingua item populari depromptis, nec non concionibus quae ad eorum dogmata aprobanda apud populum frequentius habentur, commemorantur et fiant.

Quaestio :—

An subditi fideles et catholici sine periculo damnationis aeternae animae suae supradictis interesse possint.

Ad casum respondemus quod neque vitam catholicam relinquere, nec hereticam ducere, neque eorum psalmis, lectionibus et concionibus interesse licet : cum in casu proposito non esset cum hereticis communicare et cum eis participare sed vitam et errores illorum protestari, cum non velint aliam ob causam interesse nisi ut tanquam heretici reputati poenas catholicis impositas effugiant ; et scriptum est Obedire oportet Deo dicenti Qui me erubuerit et meos sermones,⁴ quanquam hominibus vitam et ritus Deo et ecclesiae contrarios precipientibus, et eo magis cum nobiles et magnates non sine pusillorum scandalo supradictis interesse possint.

It seems pretty clear that those who 'settled this case for opinion' desired an answer very different from that which they received. We can hardly acquit them of grossly exaggerating their woes. To listen to them one would think that non-attendance at church was a capital crime, instead of being cause for a twelve-penny fine. Quadra is guilty of a similar misrepresentation when he says *siendo prohibido aqui por ley el ser catolico y puestas penas capitales a quien no viviere como herege*, unless indeed every one is living as a heretic if he refrains from actively proclaiming the papal supremacy. At any rate we must allow that the very utmost that could be done to induce a soft answer was done by those who thus brought capital punishment into contact with absence from church. Moreover they do not ask for any counsel of perfection. All that they want to know is whether church-going is deadly sin. And, again, Quadra makes it quite plain that there is no talk of any participation in the Lord's Supper—the devilish supper, as even moderate English catholics could call it⁵—and in favour of 'the common prayers' he seems to say all that could fairly be said by a prelate who was in communion with Rome. But no, Pius, the conciliatory Pius, will have none of it. If the choice lies between church and gallows the gallows must be chosen.

F. W. MAITLAND.

THE NAME OF HUGH PETERS.

It has lately become the fashion to speak of Cromwell's army chaplain as Hugh Peter, yet a holograph letter written on 8 Feb. 1648[§] (Add. MS. 9300, fol. 123) is distinctly signed Hugh Peters.

⁴ Here, I suppose, an *etc.* should mark the end of an unfinished text.

⁵ See ENGLISH HISTORICAL REVIEW, vii. 85.

SOME LETTERS OF THE FIRST NAPOLEON.

OF the letters of Napoleon there is apparently no end. Many are genuine, many are suspect, many are palpably forged. The autograph was valuable, and there was an early market for it, and the temptation to bolster up a vague scandal by a decisively incriminating document was more than some could resist. Forgery too might be made to subserve political animosities. When a virulent royalist pamphleteer of 1814 quotes a *lettre curieuse écrite par Buonaparte en décembre 1793* of a highly sanguinary description, without mentioning the source from which he obtained it, we must at least suspect, even if we do not condemn outright, the composition.¹ And need we add that special vigilance is requisite whenever there is a question of the relations between Napoleon and the other sex?

These reflexions are suggested by certain alleged autograph letters of Napoleon which, owing to the courtesy of their owners, the Misses Swann, of 141 Woodstock Road, Oxford, have come into our hands. They are three in number, and we shall deal with them in order.

In 1840 M. le baron de Coston published a work in two volumes at Valence entitled 'Biographie des Premières Années de Napoléon Bonaparte.' At the end of the first volume the baron, whose industry and good faith are beyond impeachment, prints several letters and documents. Among these there are two short letters which, though not included in the official correspondence, have found their way into M. Léonce de Brotonne's volume of unedited letters published in 1898.

The first of these pieces (no. 9 in M. de Brotonne's book) runs as follows:—

Au Directeur Carnot.

Je suis au désespoir ; ma femme ne vient pas, elle a quelque amant qui la retient à Paris. Je maudis toutes les femmes, mais j'embrasse de cœur mes bons amis.

The words *Au Directeur Carnot* are not in the text, but are an original hypothesis of the historian. No indication is given either by the baron or by M. de Brotonne as to the manuscript from which this text is printed. We do not know whether the baron ever saw a manuscript text, or whether a manuscript text has ever been

¹ *Anecdotes Curieuses sur Buonaparte.* Paris: F. Schoell (in the Croker collection at the British Museum, R. 122).

'Citoyens Représentans,—C'est du champ de la gloire, marchant dans le sang des traîtres, que je vous annonce avec joie que vos ordres sont exécutés et que la France est vengée. Ni l'âge ni le sexe ont été épargnés: ceux qui avaient seulement été blessés par le canon républicain ont été dépêchés par le glaive de la liberté et par la baïonnette de l'égalité.

'Salut et admiration aux représentans du peuple, Robespierre jeune, Fréron, etc.
'signé BRUTUS BUONAPARTE, citoyen, sans-culotte.'

seen by mortal eye. M. de Brotonne's only comment is as follows:—

Billet sans date, écrit selon toute apparence dans les derniers jours de prairial an IV (mai 1796). Joséphine alla rejoindre son mari à Milan quelques jours plus tard.

The letter is quoted by M. Fournier, who, however, takes it upon himself to add to *femme* the epithet *jeune*, on what authority we have not been able to determine.²

The second piece to which we refer is numbered 13 in M. de Brotonne's collection. It runs as follows, according to M. de Brotonne:—

Au Directeur Barras.

Passeriano, 4 vendémiaire an V (26 Sept. 1797).

Je suis malade, citoyen, et j'ai besoin de repos. Je demande ma démission : appuie-la si tu es mon ami. Deux ans dans une campagne près de Paris rétabliraient ma santé.

M. de Brotonne tells us nothing as to the source from which he obtained this document, but we can hardly err in supposing that in this instance too he had recourse to the baron de Coston, who not only gives a text in which these words occur, but also supplies a facsimile of the manuscript.³ The baron's letter differs, however, in some particulars from M. de Brotonne's transcript. It begins, *Citoyen, je suis malade*, instead of, *Je suis malade, citoyen*, and after the word *santé* continues—

et redonnerait à mon caractère la popularité que la continuité de pouvoir ôte incessamment. Je suis esclave dans ma manière de sentir et d'agir, et j'estime le cœur bien plus que la tête.

On what grounds M. de Brotonne has suppressed these sentences we are at a loss to conceive, unless it be that he was not using the baron de Coston's letter at all.⁴

However, M. de Brotonne appends to this last document a very curious and interesting note, which is worth quoting.

On lit dans les Mémoires du comte Horace de Viel-Castel, ii, 121 : 'Vendredi, 19 nov. 1852. Il y a à vendre en ce moment chez un aventurier amateur de curiosités demeurant quai Conti une lettre de Bonaparte à Barras datée d'Italie. Le futur empereur se plaint de Joséphine, qui préfère rester à Paris avec ses amants au devoir qui l'appellerait près de lui. Le général se plaint beaucoup des femmes . . . et voudrait obtenir un congé de deux ans.

'Le président va être prévenu de l'existence de cette lettre, qu'il doit faire disparaître.'

Thus a French nobleman on 19 Nov. 1852 reports that there is a letter of the first Napoleon's lying on the Quai Conti which contains both the complaint of no. 9 and the appeal of no. 13. Not

² *Napoléon I^{er}*, i. 81.

³ Vol. i. p. 484, App. J.

⁴ The direction to Barras is an hypothesis.

unnaturally M. de Brotonne, who prints these as separate letters, is of opinion that the French nobleman was 'confused in his recollections.' Now was M. de Viel-Castel really mistaken? We believe that he was not mistaken, and that the document which he mentions lies before us as we write. It runs thus:—

Passeriano, le 4 vendémiaire.

Citoyen,—Je suis malade et j'ai besoin de repos. Je demande ma démission; appuie-la, si tu es mon ami. 2 ans dans une campagne près de Paris rétablira ma santé et redonnerait à mon caractère la popularité que la continuité de pouvoir ôte incessamment.⁵ Je suis exclusif⁶ dans ma manière de sentir et d'agir et j'estime le cœur bien plus que la tête.

BONAPARTE.

Je suis au desespoir, ma femme ne vient pas; elle a quelque amans qui la retient à Paris. Je maudis toutes les femmes, mais j'embrasse de cœur mes bons amis.

BONAPARTE.

We are informed by its present owners that this letter was probably purchased by a Mr. and Mrs. Charles Richardson. Mrs. Charles Richardson, who was the author of a life of Queen Louise of Prussia, was a keen collector of historical curiosities. She was also well acquainted with Louis Bonaparte, received him at her house in London (19 Bruton Street), and visited him in turn when he became prince president and emperor in Paris. Mrs. Richardson was in Paris very often about 1850–1852, and Miss Swann is of opinion that the letter was probably bought at this time. If so it is almost certainly the identical letter to which Count Horace de Viel-Castel alluded. It may even have been given to Mrs. Richardson by the prince president himself.

We do not think that this letter is genuine. Two signatures on the same page look suspicious, even if there were no other decisive evidence. But the adverse evidence is crushing. Josephine was with Bonaparte at Passeriano. She had received her passport for Italy on 24 June, and she left Paris at the end of the month. If only the scribe had written *Le Caire* instead of *Passeriano*, he might have escaped detection.⁷ But unfortunately he elected for *Passeriano*. And there is no sign of two pieces of paper having been joined together.

The scribe appears to have worked for the first portion of his composition upon the facsimile supplied by the baron de Coston.⁸ Where he found the archetype for the postscript we know not. But

⁵ The word may be 'nécessairement.'

⁶ The word may be 'esclave,' but looks more like 'exclusif.'

⁷ Cf. the curious letter printed partially in the *Mémoires du Roi Joseph*, i. 189, and fully in *Les Rois Frères de Napoléon I^{er}*, p. 8. Cf. also Masson, *Napoléon et sa Famille*, i. 263–7.

⁸ I am practically certain of the identity of the baron de Coston's facsimile of the Oxford MS., though, as I had to go to London to get a sight of De Coston's book, I was obliged to rely upon my memory.

to the amateur the handwriting looks convincing enough. Unfortunately he was only in the second rank of forgers, in the purely calligraphic rank. He knew no history.

Are we to believe in letter no. 13, which the baron has printed, which M. de Brotonne has adopted, and of which our forger has forged so skilful a copy? There is nothing intrinsically improbable in the letter, seeing that on the very same day Napoleon despatched a letter to the directorate asking leave to resign his post.⁹ And there is the baron's facsimile. With regard to letter no. 9 we can say nothing positive. It may be true or it may be false. If a competent specialist could pronounce favourably upon the handwriting of Miss Swann's postscript, it would be some evidence that the forger was copying a genuine manuscript, or the facsimile of a genuine manuscript.

The second letter in Miss Swann's little collection is addressed by Bonaparte to Madame Tallien. The relations of the young general to that most beautiful lady have been a subject of some speculation. The most circumstantial account of them is to be found in Mlle. M. A. Le Normand's 'Historical and Secret Memoirs of the Empress Josephine,' a work which originally appeared in French in 1818. As we have been unable to procure the French original, we must content ourselves with quoting from the English translation of 1895.¹⁰

Just before being called to the command of the army of Italy Bonaparte slyly insinuated to Madame Tallien that, if she would consent to be divorced from her husband, he would be highly pleased to offer her his hand and would ensure her a life of happiness. That famous woman, who was then the charm of the capital, was much surprised at the proposition and refused it. The young Corsican became highly incensed and swore vengeance against her. He kept his word. After he had become emperor he frequently forbade Josephine to receive visits from that old friend of hers. He had been in love with her, and as he could never pardon her for the dislike which she had manifested towards his person he was induced by a sense of wounded pride to refuse her for a time the honours of the palace. 'Had she wished it,' said he to Josephine, smiling, 'she might have reigned in your stead. We should have had fine children. But after all she did rightly in keeping her vows to Ta'lien; that's all well enough; but not to have perceived what I was worth *either for the present or the future*, that's what wounds me. Happily I am indemnified for her disdain by the consciousness that the woman who has replaced her in my affections equals and even surpasses her in many respects.'

Madame Sophie Gay alludes to the same story, but M. Arsène Houssaye, the biographer of Madame Tallien, does not seriously consider it;¹¹ nor apparently does M. Masson, who has so conscientiously elaborated even the most fleeting amours of his hero.

The letter which is now before us does not throw any light

⁹ *Correspondance*, iii. 337.

¹⁰ London, H. S. Nicholls, i. 312.

¹¹ *Notre Dame de Thermidor*, par Arsène Houssaye, p. 419. The duchesse d'Abrantès would, for obvious reasons, have omitted to mention the story even if she had known of it. Her silence is, therefore, no evidence.

upon this delicate question of the proposal, but merely serves to show (if genuine) that Napoleon remained on very intimate terms with Notre Dame de Thermidor, and with her husband after his marriage. The letter was probably purchased by Mr. Richardson (father of Mr. Charles Richardson) from William Upcott, the well-known collector of autographs, about 1820. Mr. Richardson's daughter married the late Professor Westwood, and it is from her that this letter came to his nieces, the Misses Swann.

It is written upon official paper, with *République Française ; Liberté, Egalité ; Quartier Général ; de l'an 4^e de la République Française, une et indivisible ; Bonaparte, Général en Chef de l'Armée d'Italie* printed on it. It is dated Milan, 20 Thermidor, and runs as follows :—

A la Citoyenne Tallien.

Je vous dois des remerciements, belle citoyenne, pour le souvenir que vous me conservez et pour les choses aimables contenues dans votre apostille. Je sais bien qu'en vous disant que je regrette les moments heureux que j'ai passé dans votre société je ne vous répète que ce que tout le monde vous dit. Vous connaître c'est ne plus pouvoir vous oublier : être loin de votre aimable personne lorsque l'on a goûté les charmes de votre société c'est désirer vivement de s'en rapprocher ; mais l'on dit que vous allez en Espagne. Fi ! c'est très vilain à moins que vous ne soyez de retour avant trois mois, enfin que cet hiver nous ayons le bonheur de vous voir à Paris. Allez donc en Espagne visiter la caverne de Gil Blas. Moi je crois aussi visiter toutes les antiquités possibles, enfin que dans le cours de novembre jusqu'à février nous puissions raconter l'ensemble (?). Croyez-moi avec toute la considération, je voulais dire le respect, mais je sais qu'en général les jolies femmes n'aiment pas ce mot-là.

BONAPARTE.

Mille e mille chose a Tallien.

So far as we know there is no reason why this should not be a genuine letter, but with our present insufficient knowledge of the Napoleonic script we do not like to be too confident.

The third letter in the possession of Miss Swann (likewise obtained from William Upcott) is almost illegible. We have totally failed to make out the first line, and much of the remainder is conjectural. There is no indication of the year in which the letter was written, of the place from which it was written, or of the person to whom it was written. The substance is unimportant and affords no clues.

2 vendémiaire.

. . . . Je vous prie de me faire la justice de croire que personne ne désire autant votre amitié que moi et sera plus . . . pouvoir faire quelque chose qui puisse la prouver. Si mon occupation me l'aura (?) permis (?) je serai moi-même venu (?) porter (?) cette (?) lettre.

BONAPARTE.

H. A. L. FISHER.

Reviews of Books

Weltgeschichte. Herausgegeben von HANS F. HELMOLT. Band IV. 'Die Randländer des Mittelmeers.' (Leipzig und Wien: Bibliographisches Institut. 1900.)

HOWEVER much we may sympathise with the desire to treat history as forming an organic whole, we cannot but remark the grave difficulties attending the methods of this publication, which were described in the last number of the ENGLISH HISTORICAL REVIEW. Perhaps, as we turn over the leaves of the handsome volume before us, certain conservative prejudices arise. With regard to the illustrations, it seems at least odd that the Acropolis of Pergamos, restored, should figure about two hundred pages before the ornaments from the Mycenaean tombs, and that near the end of the book (which is to be followed by at least two more volumes) we should have a rather sensational picture of a scene in the Carlist insurrection of 1872-6. At the same time in the first section, by the late Graf von Wilczek and the editor, which is a kind of summary of this and the two following volumes, the constant use of expressions relating to the 'Mediterranean Spirit,' its rise, development, revival, &c., gives an impression of vagueness and superficiality which it would be unfair to attribute to some of the more definite parts of the work.

There are, of course, advantages in this mode of writing history. Some places, periods, and movements which are commonly neglected find their appropriate place in a 'Weltgeschichte.' Such are the Greek kingdom of Bactria (treated by Dr. Brandis), the early Christian communities of Upper Asia, India, and Abyssinia (by Dr. Walther), North Africa and especially Morocco during the Middle Ages (by Dr. Schurtz). But the disadvantages are manifest. In the first place there must be a good deal of overlapping; *e.g.* the history of Alexander the Great has to be told in the second and in the fifth sections. There are also some unnatural distinctions. Thus, however contrary the fact may seem to the main principles of the editor, the history of the coast of Asia Minor is dissociated from that of Greece proper, and the Ionic revolt figures as an episode in the history of 'The Ancient Peoples on the Black Sea and the East Mediterranean.' The recognition of Christianity as a state religion is treated in a separate section from that dealing with the Roman Empire, so that the action and reaction of church and state are, in these earlier stages at least, but very lightly touched. Then again, in a book written by many scholars, there is not only a diversity of methods—which may have its advantages—but a want of clear perspective. Some writers are more interested in ethnological and

linguistic problems than others. We want something like drawing to scale. For instance, in the very spirited sketch of ancient Greek history by Dr. von Scala we cannot complain that the writer is not up to date, seeing that he tells us of the results of the British excavations at Melos and of Furtwängler's discovery as to the Lemnian Athena. Yet he seems to have fallen into the error of old historians in almost confining historic Greece before Macedonian times to the growth and rivalries of Athens and Sparta. The period of Theban greatness occupies less than one page, and there is hardly anything about the early tyrants. Both in the Greek and in the Roman section we find the work deficient on the constitutional side. In the part treating of Rome and Italy, the geographical method is more consistently adhered to than elsewhere, till we come to the rather unsatisfactory *résumé* of the Roman empire and of the Gothic and Lombard kingdoms.

Far more of a hindrance to the usefulness of the book is the absence of references to authorities. The writers are generally acknowledged experts in their several fields, and have their opinions on controverted points. Unfortunately they often give us their results without enabling us to check them. It would, of course, be absurd to expect in a 'Weltgeschichte' a critical bibliography of historical sources. Yet we want to be informed as to the author's standpoint. The chapters on the 'Origin of Christianity' and the 'Apostolic Age' (Dr. Walther) are most unsatisfactory, since they involve a comparison between tradition and criticism based on no intelligible principles. We glide in many parts of the work over swamps that have engulfed many worthy men, without understanding where our particular guide has found his causeway.

These remarks lead to the conclusion that although much of the work is pleasant reading and full of information, it is not likely to be of permanent value to any particular class of readers. Students will require verifications of its statements; the general reader will turn away from a book in six volumes of 550 large pages each. ALICE GARDNER.

Sokrates und sein Volk: ein Beitrag zur Geschichte der Lehrfreiheit.
 Von Dr. ROBERT PÖHLMANN. (München und Leipzig: R. Oldenbourg, 1899.)

THE title of Dr. Pöhlmann's work is likely to mislead the general reader. Instead of a history of Socrates's life and thought in relation to the Athenian people he will find in Dr. Pöhlmann's pages rather a political pamphlet advocating the cause of freedom of thought and of action as necessary to the health and well-being of every civilised and progressive society. Socrates and his condemnation by the Athenian law court merely form the text. From this point of view there is little in Dr. Pöhlmann's 'Beitrag' for an ordinary man of more or less liberal ideas to cavil at. There is, perhaps, too great a tendency to appeal to first principles of so-called psychology to prove the effect of democratic institutions, whether in ancient or in modern society, in crushing out all individuality and eccentricity among its members; to establish that the appearance of such a man as Socrates at Athens was not an isolated phenomenon, but the necessary outcome of a free and more or less sceptical movement in the Greek world, which can be traced far beyond Xenophanes back to the

Homeric rhapsodists ; and to explain the condemnation of Socrates by a narrow majority in an Athenian law court, composed of average citizens, by the well-known laws of mob action. But commonplaces, we have been told, need to be often repeated, or otherwise they are forgotten ; and even the superior person may be usefully reminded of the close connexion between psychological principles and practical politics, which should prevent any attempt on his part to reconstruct history on the high *a priori* method. What we most deprecate in Dr. Pöhlmann's essay is the continued polemic—more especially against Gomperz's 'Hellenische Denker.' We cannot help feeling that he would have better served his own purpose by giving a simple narrative of Socrates's life and thought in their relation both to his predecessors and the society of his own time than by overloading his pages with references to writers and theories of all ages and schools. How well fitted he is for such a task Dr. Pöhlmann has himself shown us in two of his chapters—the second, on 'Der hellenische "Volksgeist" und die "auflösende" Reflexion,' and the fifth, on 'Der Richterspruch der "Polis,"' chapters which we would recommend to the attention of every thoughtful historical student. G. E. UNDERHILL.

Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung. Von W. DRUMANN. Zweite Auflage, herausgegeben von P. GROEBE. Erster Band. (Berlin : Borntraeger. 1899.)

DRUMANN's work is imperishable, for no one would dream of rewriting the history of the period on such a scale or in such a form ; but the knowledge even of this well-worked epoch has been slightly increased since Drumann's day, and it was inevitable that a re-edition on the now familiar lines should be sooner or later undertaken. The publishers have been fortunate in their editor, and both have been wise in their plan of operations. No change has been introduced into the text ; a few short notes in brackets modify the references at the bottom of the pages ; but the work of correction has been chiefly effected by means of appendices. The present volume deals with the families of the Aemilii, Afranii, Annii, Antistii, and Antonii, and the important lives which it includes are those of M. Aemilius Lepidus and M. Antonius, the triumvirs, of T. Annii Milo, and of C. Antonius Hybrida. To these the editor has added rather more than eighty pages of original matter by way of an appendix. His articles show a catholic taste in history and are of the most varied kind. Some deal with textual points in the letters and speeches of Cicero, others with chronology. Sometimes a constitutional question, such as the legislation connected with the *acta Caesaris*, is considered, at other times an attempt is made to form an historical judgment on a doubtful incident by a detailed examination of all passages bearing on it—a procedure particularly necessary in dealing with an author like Drumann, who, while furnishing ample references, is exceedingly sparing of citations. A chronological point which is interesting both in itself and for the ground of the judgment passed on it is that connected with the battle of Forum Gallorum. The editor decides for 14 April, on the overwhelmingly convincing ground that it is more likely that the date in Galba's letter should be textually wrong than that

Ovid should be mistaken. 'How is it conceivable,' he remarks, 'that a German poet of to-day should assign the battle of Königgrätz, or, to go further back, the battle of Waterloo, to a wrong date?' An interesting example of the attempt to get at the heart of an event is to be found in the discussion of the ghastly story of the human sacrifice that followed the fall of Perusia. Technically there was no sacrifice, but Herr Groebe seems to believe (and all who have weighed the evidence must, we think, agree with him) that Octavian allowed it to be understood that the butchery of the prisoners was in some way connected with the *manes* of the dead Caesar. One would like to know how far the *arae Perusinae* stood from the actual scene of execution.

All these discussions exhibit scholarship, judgment, and a very exhaustive knowledge of the ancient and modern literature of the period. Probably no one could have done the work better than Herr Groebe; and the attempt to discuss again some of the points raised by Drumann and his editor does not imply the attribution to the latter either of negligence or of an undue desire to improve on his predecessor's work. No two editors will take the same view as to the subjects which require comment, and no critic could demand that the notes to an edition should be more numerous or more detailed than those of the present work.

There are three points in which the editor's correction of Drumann's views appears unnecessary; but, as Drumann adduced no reasons for their support, these grounds must be stated by the reviewer. First, Cicero thus describes the edict which enabled him to stay in Italy from the close of the year 48 B.C. :—

Nec in ulla sum spe, quippe qui exceptionibus edictorum retinear; quae si non essent sedulitate effectae et benevolentia . . .¹

Ille [Antonius] edixit ita ut me exciperet et Laelium nominatim.²

Drumann thought that the mention of Cicero's name in the edict was not due to malevolence; the editor takes a different view. He says, 'The special mention of the name was the grievance, and one that was certainly intentional.' It seems never to have been noticed that there is nothing exceptional about this edict. It is the annual and tralatitancy bill of outlawry which keeps people out of Italy, whether because they have been condemned by a court or because their acts have made them *hostes* to the *de facto* government. Each edict enumerated people who belonged to a certain category; and any one who, on the facts, belonged to that category had, if he was to be relieved from the operation of the bill, to be exempted by name. If he was not so exempted he was in the category, and might be put to death with impunity. The best exemplification of this procedure is to be found in the case of Sthenius, treated in the *Verrines* (ii. 41, 100). Cicero on that occasion supported an exemption from the edict. He says—

Nuntiabatur . . . me ipsum apud collegium hoc tribunorum plebis, cum eorum omnium edicto non liceret quemquam Romae esse, egisse causam Sthenii.

On Cicero's representations being accepted the tribunes declared—

Non videri Sthenium impediri edicto quo minus ei liceret Romae esse.

¹ *Ad Att.* xi. 9, 1.

² *Ibid.* xi. 7, 2.

The substitution of *Ciceronem* for *Sthenium* may give us the very wording of which Cicero complains. The category of the outlawed contained people whose actions or situations were very various: hence, like the praetor's so-called edict, it was composed of a number of *edicta*. The same names might appear under more than a single clause, and any one, liable but exempted, would have to be mentioned *nominatim* under each. Hence Cicero's use of the plural *exceptiones*. This adherence to absolutely essential formalities gave a necessary but undesirable publicity to Cicero's name. It is probable that the edict in which his name appeared, although practically that of Antonius, was formally one issued by the tribunes. This is, perhaps, the true explanation of the words occurring in 'Ad Att.' xi. 9, 1:

Quid autem me iuvat quod ante initum tribunatum veni, si ipsum, quod veni, nihil iuvat?

He had thought it a gain to be in Italy before the new tribunes entered on their office; otherwise his name might not have appeared among the exceptions in their edict.

The rescission of the legislation of Antonius's consulship was, according to Drumann's view, not necessarily the work of a single enactment. The editor thinks that we must suppose a single decree. He fails to see that the *onus probandi* really rests on one who takes the latter view. A single decree of abrogation would have been a most unjustifiable proceeding, unless the whole legislation of Antonius was supposed to be vitiated by formal flaws, and the passages of Cicero which speak of the repeal by no means lend colour to this view. But there was, besides, a particular motive for not adopting such a wholesale plan of destruction. Some of Antonius's ordinances were to be preserved, and to leave these harmless or beneficial enactments untouched would be a simpler matter than to repeal them and to re-enact them again. The *acta Caesaris* occupied an exceptional position. It was necessary to repeal the Antonian law which had confirmed, and perhaps in many cases created, them; but, as a partial confirmation of the *acta* was essential, a *lex Vibia* had subsequently to be introduced for the purpose. The way in which Antonius struggled for the preservation of his judiciary law seems to show that his different enactments were considered separately, and if Appian's account of the commission of investigation is correct it also lends colour to this view.

It is this commission of Appian's which forms a third point of disagreement between Herr Groebe and the historian on whom he comments. Drumann accepted the account of the appointment δέκα ἀνδρῶν ἐς εὐθυαν τῆς ἀρχῆς τῆς Ἀντωνίου³ and identified them with the *decemviri* of Cicero,⁴ who, so far as the context in which they are mentioned goes, may have been any body of ten. The editor thinks them a misinterpretation of the then existing agrarian commission. There should be very strong grounds for establishing the probability of such a blunder; but the chief argument alleged in favour of this view is merely the fact that Antonius had already been declared a public enemy. 'An official investigation after outlawry is inconceivable.' The argument

³ App. *Bell. Civ.* iii. 82.

⁴ *Ad Fam.* xi. 14, 1.

might be sound if the commission had been directed solely against Antonius ; but, as Appian shows, it touched many others as well. It affected all who had benefited by the ex-consul's use or misuse of Caesar's *acta*, and it might, therefore, have considerable practical results in spite of the outlawry of the chief offender.

Among several passages in which Drumann's own opinions invite attention two may be singled out as expressing views which, although generally accepted, are probably erroneous.

The first passage occurs in the life of Lepidus, and is concerned with Caesar's first appointment as dictator. Drumann speaks of him as 'nominated dictator by a decree of the people under Lepidus's presidency.' The picture presented is that of an election to the dictatorship under the presidency of the praetor ; and Mommsen seems to take the same view, for he speaks of the rule, of which Caesar made use, *dass der Consul für sich allein, der Prätor nur unter Mitwirkung der Comitien den Dictator zu ernennen befugt sei.*⁵ This, however, is not the procedure described in the passages of our authorities. They are as follows :—

Caes. 'Bell. Civ.' ii. 21 : *Ibi legem de dictatore latam seseque dictatorem dictum a M. Lepido praetore cognoscit.*

Dio Cass. xli. 86, 1 : [M. Aemilius Lepidus] τῷ τε δήμῳ συμβουλεύει στρατηγῶν δικτάτορα τὸν Καίσαρα προχειρίσασθαι· καὶ εὐθὺς εἶπεν αὐτὸν παρὰ τὰ πάτρια. Cf. *ib.* xliii. 1, 1, ἐπειδὴ γὰρ δικτάτωρ ὑπ' αὐτοῦ [Lepidus] τὸ πρῶτον ἐλέχθη.

These passages point to the nomination of the dictator (*dictatorem dicere*), not to his election (*dictatorem rogare, creare*). The people had nothing to do with the appointment beyond passing a law which empowered the praetor to nominate.

The second point is the much-discussed question of the condemnation of C. Antonius Hybrida. General opinion seems now to accept the view that extortion played a legal part in his conviction. To Rein it was the only ground, while Drumann held, and in this edition is still made to hold, the view that Antonius was condemned under two *leges Corneliae*, those *de maiestate* and *repetundarum*. Rein showed that such a double condemnation was impossible, as only one *quaesitor* is mentioned in connexion with his trial.⁶ But it is difficult to see how the great historian of Roman criminal law reached his conclusion about a conviction for extortion. The whole question turns on the interpretation of a passage in Dio Cassius, the only credible authority⁷ who states the ground of the condemnation (xxxviii. 10) :—οὐ μέντοι καὶ ἐπὶ τοῦτοις [*i.e.* the events of his provincial government] αἰτίαν ἔσχεν, ἀλλ' ἐγράφη μὲν ἐπὶ τῇ τοῦ Κατιλίνου συνωμοσίᾳ, ἕάλω δὲ δι' ἐκείνα· καὶ συνέβη αὐτῷ, ὡς μὲν ἐκρίνετο, μὴ ἐλεγχθῆναι, ὧν δ' οὐκ ἠτιάζετο, κολασθῆναι. This can only mean that Antonius was impeached for complicity in the Catilinarian conspiracy, but condemned for the failures and misdeeds of his government of Macedonia. The revelations of the character of his provincial

⁵ *Staatsrecht*, ii. 147.

⁶ *Cic. In Vat.* 11, 27.

⁷ Perhaps the statement of Schol. Bob. in *Cic. pro Flacco*, p. 229 ('C. Antonius . . . M. Caelio Rufo accusante non tantum pec. rep. crimine, verum etiam ob Catilinae coniurationem damnatus') only gives the practical grounds of the condemnation. If it intends both grounds to be legal, the account seems to be incorrect, since there appears to have been but one trial.

rule, presented in such a realistic form by Caelius Rufus,⁸ merely illustrate the irrelevancy of the Roman prosecutor bent on securing a conviction, and Cicero's references to his client's fate speak of it in close connexion with the conspiracy.⁹ But, if Antonius was condemned wholly as a conspirator, there is no reason for supposing, with Drumann, a prosecution for *maiestas*. He was doubtless convicted, like other Catilinarians, under the Lutatian or the Plautian law *de ri*.

A. H. J. GREENIDGE.

Das Varuslager bei Iburg. Von Professor Dr. F. KNOKE. (Berlin: Gaertner. 1900.)

DR. KNOKE, headmaster of the Ratsgymnasium at Osnabrück, has long been known as an enthusiastic explorer of the Roman remains existing or supposed to exist in his own neighbourhood, which he has attempted in various treatises to connect with the operations of Varus, Caecina, Germanicus, and other generals of the earliest Roman empire. Not long ago he issued a pamphlet in which he claimed to have found the second of the two encampments of Varus mentioned by Tacitus.¹ Now he produces a site for the first encampment. It is close to the little town of Iburg, about ten miles south of Osnabrück, and shows a 'camp' rudely pentagonal in form, surrounded by an earthwork and small ditch. In excavating the bottom of this ditch Dr. Knoke found some potsherds which have been pronounced to be German work of Roman times, possibly but not necessarily of the Augustan period. A small bronze statuette of Roman work has also been found here, and some other metal objects which may or may not be Roman. Karolingian pottery was also found, lying in the ditch immediately above the German or Roman date. Obviously the site was occupied in Roman times, but whether the entrenchment was made then is not so plain. It may have been a later work, and the earlier potsherds may have been lying about on the surface when it was constructed and may so have got into the bottom of the ditch. This is, of course, not very probable, but we need more excavation and more information about the details of such excavation before we can exclude it from consideration. And, indeed, I do not see that there is sufficient evidence at present to demonstrate any conclusion about the earthwork at Iburg. The shape of the 'camp' and the fashion of its gates, and the objects found in it, are none of them clearly indicative of any precise date or purpose. The question of the place where Varus fought and fell remains as it was. The one spot in the whole region concerned which has yielded definite and distinct remains of the proper date and proper quantity is that to which Mommsen called attention fifteen years ago, near Venne, to the north of Osnabrück. The evidence in favour of that site may or may not be adequate: opinions differ about this. But certainly no rival site can show anything like the same amount of evidence. Dr. Knoke does good work in exploring the 'camps' of his country, but I do not think that he has yet found the scene of the great disaster of Varus.

F. HAVERFIELD.

⁸ *Quintil.* iv. 2. 123.

⁹ *Pro Flacco*, 2. 5: 38. 95. *Pro Caelio*, 31. 74.

¹ *Annals*, i. 63. 3.

Byzantine Constantinople: the Walls of the City and Adjoining Sites.

By ALEXANDER VAN MILLINGEN, M.A. With Maps, Plans, and Illustrations. (London: Murray. 1899.)

THIS book will take its place as the chief authority on that part of Byzantine topography which it covers, and will prove of the utmost value to students of the eastern empire. Mr. van Millingen belongs to the cautious school of archæologists; he is never dogmatic, and he inspires his readers with confidence. He always gives full weight to the arguments on each side in disputed questions, and his cautiously expressed conclusions are generally convincing. Much of the material which he furnishes and many of the identifications which he demonstrates were already accessible in Mordtmann's 'Esquisse Topographique' (1892); but that book was so unfortunately arranged that, like an ill-made lantern, it obscured its own light. The true site of the Hebdomon and the identification of the Tekfour Serai have been for some time well known to specialists; Mr. van Millingen's work will make them generally current. There is a liberal provision of plans and photographs, indispensable in an archæological book, and they are all excellent. Especially interesting are the restorations of the Theodosian walls, prepared by Mr. A. E. Henderson. Having read the book with care, I may submit a few criticisms on details. The errors and misprints which I have noticed are not many, and most of them are trifling.

It would have been well if Mr. van Millingen had sought to make perfectly clear to his own mind the exact nature of a document to which he constantly has occasion to refer, the 'Notitia' of the city of Constantinople. In its present form it belongs to the reign of Theodosius II, but there are cogent reasons for supposing that it really represents an older document, which was republished and only partly brought up to date. This is really implied in the fact, duly appreciated by Mr. van Millingen (p. 16), that the dimensions given in the 'Notitia' are not those of the Theodosian city, and also in the conclusion which he rightly draws (p. 31) that the Golden Gate which the 'Notitia' mentions is *Isa Kapoussi*, in the Constantinian circuit. But, if this be so, the probable view that, before the building of the walls of Heraclius, Leo V, and Manuel Comnenus, the defence of the north-western side of the city was 'effected by the junction of the Theodosian walls with pre-existing fortifications around the western spur of the Sixth Hill' is not in the least endangered by the fact that the 'Notitia' speaks of the Fourteenth Region as an isolated suburb. For there is no reason, Mr. van Millingen should have pointed out, that this too should not be a statement taken over without correction from the pre-Theodosian document.

The author offers a double explanation of the name 'Gate of the Cemetery' (*Πόρτα τοῦ Πολυανδρίου*), which was another name for the Gate of Charisius. It was 'peculiarly appropriate,' he says, 'to an entrance on the direct road to the Imperial Cemetery,' which was close to the Church of the Holy Apostles; but, he adds, 'probably a public cemetery stood also outside the gate, where a large Turkish cemetery is now situated, and that may have been another reason for the name of the gate.' I doubt seriously the validity of the double reason. If there were two cemeteries the gate must have derived its name from one or other, but not from

both. If it were certain that the Turkish cemetery is on the site of an old Byzantine cemetery, then there could be no doubt, I think, that it was from this burying-ground that the gate derived its name. For gates generally receive names from places outside to which they are the egresses, rather than from places inside to which they may be the ingresses. On the other hand, if there was no cemetery without the walls, it seems almost necessary to have recourse to the theory that the name Πόρτα τοῦ Πολυανερίου was originally given to a gate in the Constantinian wall quite close to the Imperial Cemetery, and was passed on to the corresponding gate in the Theodosian wall—just like the name Golden Gate.

In regard to the Golden Gate itself there is a difficulty, discussed by Mr. van Millingen, arising from Professor Strzygowski's discovery that the gate was originally an arch erected by Theodosius the Great after the suppression of Maximus the tyrant. This follows from words in the inscription on the portal :

*Haec loca Theodosius decorat post fata tyranni.
Aurea saecula gerit qui portam construit auro.*

No tyrant was suppressed by Theodosius II. But the second verse describes the structure as a gate, and a gate implies a wall. Mr. van Millingen (p. 64) offers some suggestions—for example, that the city had grown out so far beyond the wall of Constantine that the archway was practically an entrance to the city; that this suburban district was protected by some sort of fortification in the shape of a wall, or that it was so named 'in anticipation of the fulfilment of the prediction of Themistius that the growth of the city under Theodosius the Great would ere long necessitate the erection of new walls.' The last suggestion might become more plausible if it were put in the bolder form that the walls afterwards executed by Anthemius had been already contemplated by Theodosius. But none of these conjectures is quite satisfactory. To me it seems more likely that while the first line (*haec loca, &c.*), which is on the western face of the gate, was inscribed by Theodosius I, the second line (*Aurea, &c.*), which is on the eastern face and is totally unconnected with the first in grammatical construction, was inscribed under Theodosius II, when the archway became a gate in the new wall.

P. 11. 'The Anonymus and Codinus' suggests that the author has failed to apprehend that it is one and the same work (the Πάτρια), which goes under both these names. P. 21. Chrysoloras appears as Chrysolaras (so elsewhere). P. 22. The origin of Τρωαδῆσιοι is obscure, but should it be rendered 'Trojan'? P. 38. *Ius Italicus*. P. 41. 'Sozomon' in text and note, and so always (cp. p. 318). P. 47. ὑπαρχος (prefect) is twice translated by 'Eparch,' instead of Hyparch. Why, since both terms are correct? P. 48. The consort of Theodosius II is named Eudoxia, and so elsewhere (p. 336). Pp. 50-1. The conclusion that Cyrus and Constantine were different persons is probably correct. P. 82. Spelling of German words in note. P. 89. Kerko Porta, Xylo Porta are ugly without hyphens. P. 96. 578 (A.D.) should be 478. P. 97. In the inscription, ΕΥΣΕΒΑΚΤΑΤΩΝ. P. 106. Palaeolous. P. 108. Constantine Dragoces. P. 109. Critobolus. P. 116. 'Seventh, ninth, and eleventh centuries.' 'Eleventh' should be 'twelfth.' P. 127. Ἀργυρά should be Ἀργυρά.

P. 163. The father of Zeus is called Chronos. P. 179. The Russian attack on Constantinople in the reign of Michael III is dated 865. This date is now known to be incorrect.¹ P. 279. While I agree with the author's view as to the identity of the palace of Hormisdas with that of Bucoleon I must point out one or two inaccuracies. 'Theophanis Continuatio' Bks. 1-5 are not later than, but contemporary with, Constantine Porphyrogenetos. The Bucoleon is mentioned by George the Monk. The last author who refers to the palace of Hormisdas, Mr. van Millingen says, is Theophanes, but the quarter at all events was still known as the quarter of Hormisdas in the tenth century.² P. 289. The two quotations from Theophanes present inferior readings. P. 291, note 2. *Une étroite digne*. P. 302. The true reading in Theophanes³ is ἐν τῷ Προκλιανῶσι τῷ Καισαρίῳ λιμένι. Apparently Proclianus, a person unknown, was associated with this harbour. P. 306. ζω (for ζω). P. 329. In the passage of Ammianus in suburbanum is untranslatable, because the needful word, *productum*, has been omitted. P. 330. Bandusi. P. 331. There is a curious anachronism here. Constantine Porphyrogenetos is described as referring to a coronation celebrated after his death. Who is Victor 'Tunnensis' (also p. 334)? P. 335. *Iucundianae*, a name of the Hebdomon palace, is translated 'the Pleasance.' The other form, *Secundianae*, is probably the original name, derived possibly from the prefect Sallustius Secundus; *Iucundianae* may have arisen through popular etymology before Latin was quite forgotten at Constantinople; and consequently Mr. van Millingen's rendering may be justified.

J. B. BURY.

Le Massif Central: Histoire d'une Région de la France. PAR ALFRED LEROUX. (Paris: Emile Bouillon. 1898.)

THE idea of studying the history not of a political division, such as one of the ancient provinces, but of a natural region, marked out by certain physical features, is one that promises to be fruitful. We may expect some light to be thrown on such questions as the influence of soil, climate, and manner of life on the character and history of the inhabitants. In this case the physical basis by which the author has defined the limits of his region is the relief of the soil. The region to which geographers have given the name of Massif Central or Massif Intérieur of France, extends over eleven of the old provinces, or fourteen of the present departments and a part of seven others, with a mean altitude of over 1,800 feet. It embraces the Cevennes and mountains of Auvergne, with spurs extending southwards towards the Pyrenees and northwards to Limoges and the valley of the Loire. Apart from its generally mountainous character it has little unity of either climate or soil, or any facility of communication between the different parts. We consequently find the greatest diversity in the economic and political history of the different districts composing it. The configuration of the land made these so numerous that they were subject to constant mutations and dislocations, some becoming attached to Languedoc, some to the royal domain in the north, and others to the territory of the English kings, which, after 1205, had its headquarters at Bordeaux. About a region so divided

¹ See C. de Boor in *Byz. Zeitschr.* iv. 445 sqq.; my ed. of Gibbon, vi. 155, note.

² See *Theoph. Contin.* p. 154.

³ See De Boor, p. 353.

alike politically, economically, and climatically between north, south, and west, it is difficult to write a book which shall have much appearance of unity. In the ordinary local history such divisions only add piquancy to the picture. But the author has set himself a different and in many respects more difficult task. *Notre intention a été faire plutôt œuvre de réflexion que d'érudition* is his announcement in the introduction. Availing himself to the fullest extent of the facts collected by the local historians, he has made an attempt at drawing a few general ideas from the study of them. The first volume is devoted, roughly speaking, to the geography, ethnology, political, administrative, and ecclesiastical divisions and public institutions from the earliest times downwards. Opening with an interesting chapter on the capitals (seats of different branches of government and institutions) the second volume treats of agriculture, industry, and commerce, character and customs, beliefs and ideas. The third volume sketches the history of the language, arts, sciences, and literature, social condition, and social progress, concluding with a chapter on the chief historical events and characters connected with the 'Massif' and the character and rôle of the different provinces composing the region. A chapter on the place of the 'Massif' in the general history of France concludes the book. It will be seen that the plan of the book is very comprehensive, and much ground has to be covered. In consequence many of the chapters are a somewhat dreary collection of facts and catalogues of names. This is especially true of the chapters on science, art, and literature. One feels almost inclined to question the usefulness of these when one sees the meagre generalisations which are all the result of this lengthy display of names.

As was to be expected, the most interesting chapters are those dealing with the historical geography and economic history. The most striking feature in the former is the persistence of the old divisions and groups, even in the modern departments. The Gallic tribal divisions were the origin of the Roman *pagi* and the later *pays historiques*, which became in their turn departments. The department of the Lot is practically the territory of the Cadurci, while the memory of the old Roman province of Aquitania Prima was perpetuated by the supremacy of the counts of Auvergne over all Aquitaine from 893 to 928, the counts of Toulouse from 932 to 951, and later the counts of Poitiers, through whose descendants it came first to Louis VII of France, and then, on his wife's divorce, to Henry II of England. The ecclesiastical province of Bourges, whose metropolitan claimed the primacy of all Aquitaine, nearly coincided with the old Aquitania Prima, until the province of Albi was cut off from it in 1317. The other tendency to be noted is the constant subdivision both of the feudal territories and the royal administrative areas, which seems to have been aided by the configuration of the land, along with the desire of royalty to get nearer its subjects or satisfy local claims. Noteworthy too is the adverse influence which the existence of the great centres of Toulouse, Lyons, and Poitiers had on the formation of capitals in the Massif itself, all the life being, so to speak, drawn outwards. Economically the most striking features are the rise of a great industrial region round St. Etienne in the course of the present century, and the early importance of Limoges as an industrial and artistic centre.

A curious instance of the effect of trade on language is given in the author's hypothesis that the irregularities in the line separating the northern and southern idioms in the Massif are due to the prevalence of commercial intercourse with the south in some cases where there was none in others. The chapter on the chief roads and their modern successors, the railways, shows how the growth of towns, such as Limoges, was affected by their position on the main arteries between north and south or east and west. The poverty of the soil and number and lawless character of the feudal lords have made it up to within a hundred years the poorest and least advanced part of France. Yet in the fourteenth century it produced five popes, and the diocese of Limoges alone contributed twenty cardinals to the Roman church.

For all these and many other facts M. Leroux proffers an explanation and fairly fulfils the promise held out in his preface. Yet it must be admitted that he propounds more questions than he solves, and that his facts are sometimes tedious. The book is in great danger of falling to the ground between two stools. It is not and it does not pretend to be a complete history and book of reference for the student for one particular region of France, while the questions which he proposes to solve are too wide, and in some cases too difficult, for the book to make any very noteworthy additions to our knowledge of general French history, which is in the end the task which he has set himself. These obvious criticisms do not detract much from the value of the book as a very careful and suggestive essay on the place of the 'Massif' in general French history; and the title of an *essai* is all that the author modestly claims for it, though it represents the labour of many years and a knowledge of the local history such as it is probable few possess.

W. E. RHODES.

Anglo-Saxon Bishops, Kings, and Nobles: the Succession of the Bishops and the Pedigrees of the Kings and Nobles. By WILLIAM GEORGE SEARLE, M.A., late Fellow of Queens' College, Cambridge. (Cambridge: the University Press. 1899.)

As this book appeals only to a few it is especially incumbent on them to acknowledge its merits in kindly terms. It is the outcome of much labour on not very alluring subjects, and the student of early English history must gratefully acknowledge that it is labour not spent in vain, for, in spite of some defects, he will find it helpful as a guide in many difficult by-paths. Every reference which I have tested has proved accurate. Some evidences of hasty work are, however, to be regretted, and will doubtless disappear in a new edition. As Mr. Searle aims at setting before the student the assertions and opinions of others, he says little about his own opinions, and seldom attempts to discuss or explain difficulties. The dates which he adopts are printed in heavy, and those which he considers less well established in lighter type. In the genealogies, which are necessarily presented in a dogmatic form, he notes and gives references to statements different from his own, but does not criticise them. Some names are admitted into the genealogies for which the authorities are unsatisfactory, for the book is intended for the use of students acquainted with the relative values of authorities,

and is scarcely likely to be used by others. The bishops are entered under their respective dioceses or sees, and the information concerning them is arranged in six columns: the first contains the bishop's name, with its various forms, and references to authorities; the second the date of consecration adopted by the author, and any other dates assigned to it, together with a notice of any contemporary bishop of the same name, the remaining four being occupied by statements and references as to the bishop's accession to the see, to his early and his late attestations of charters, and to his death or translation. In drawing up these lists of bishops Mr. Searle has derived much help from Bishop Stubbs's 'Registrum Sacrum Anglicanum.' While he does not give the names of the consecrating bishops, a matter foreign to his purpose, his references to authorities are far more numerous and precise than in the bishop's admirable book, so that, though he acknowledges the help which he has received from his predecessor in this part of his work, he has not followed his guidance blindly. Indeed, he sometimes differs from the 'Registrum,' not always, perhaps, for satisfactory reasons. In his pedigrees of the royal and noble families he is breaking new ground, and his work, supported as it is by exact references, will, in a revised edition, deserve a cordial welcome.

A book dealing with so many difficult and contentious questions naturally presents occasions for criticism and difference of opinion. One point in which the lists of bishops are, in my judgment, less scholarly than what is given us in the 'Registrum' may be described as a matter of principle. What constitutes a bishop? Nothing, surely, short of consecration which admits the receiver into the episcopal order. Yet Mr. Searle includes in his lists Wighard and Spearhafoc, who certainly did not receive consecration, noting, of course, that they were bishops elect, or designate, while he omits Ælfric, who was canonically elected to Canterbury in 1051. It is highly questionable whether 'Edwaldus' or Athelwold (971) should be reckoned among the archbishops of York; his name does not appear in the ancient lists; he was probably elected, and resigned before consecration. Bishop Stubbs does not accept him. Leaving this question of principle, I would observe that Mr. Searle should certainly not have entered Æthelric of Durham among the archbishops of York, in spite of what is said in 'Chronicles' D and E (Plummer), especially as he had just noted the duration of Ælfric's archiepiscopate. The probable cause of the error in the Chronicles has been explained satisfactorily by Mr. Plummer.¹ The assertion that Wini moved his see from Winchester to Dorchester on the departure of Agilbert from Wessex does not rest on good authority, for the decree attributed to Theodore concerning the division of the West Saxon diocese² cannot be accepted as genuine. So far as we know, Wini, after the departure of Agilbert, remained bishop of Winchester, the sole bishop of the West Saxons, until he, in his turn, had to leave Wessex. In common with Bishop Stubbs Mr. Searle places Ceadda before Wilfrith I in the list of Bishops of York, and dates the consecration of both 664. For this he has the authority of Bede, who, in his summary,³ says under 664, *Ceadda ac*

¹ *Saxon Chronicles*, ii. 220.

² *Councils and Eccles. Docs.* iii. 126.

³ *Hist. Eccles.* v. c. 24.

Uilfrid Nordanhymbrorum ordinantur episcopi. Bede's narrative, however, clearly shows that Ceadda was not consecrated until a considerable time after Wilfrith had gone to Gaul to obtain consecration,⁴ and, as the natural interpretation of his words in 'Hist. Eccles.' v. c. 19 is that Ceadda held the bishopric of York for three years before his deprivation in 669, his consecration may fairly be dated 666. For, considering the constant communication which was kept up between England and Gaul, I cannot imagine how, if Ceadda was consecrated in 664, Wilfrith could possibly have remained ignorant of this invasion of his see until he crossed over to England in 666.⁵ Dr. Bright thinks that Ceadda's consecration 'may probably be dated about the middle of 665.'⁶ May not the entry in Bede's very brief summary be taken to refer to the schism in the church of York as a whole, which may be said to have had its origin in the consecration of Wilfrith in 664, though, as the rite was performed in Gaul, it is surely permissible to suggest the early part of 665 without being accused of making light of Bede's authority? Bede would naturally put Ceadda's name before Wilfrith's, as he actually held the see before him.

Wilfrith I, bishop of the Hwiccas, or of Worcester, was, we are told here, consecrated in the lifetime of his predecessor Ecgwine. If this had been so the date would be 717, and not, as is correctly entered here, 718, for Ecgwine, as Mr. Searle notes, died on 30 Dec. 717. Wilfrith, however, was elected, but not, so far as we know, consecrated, before Ecgwine's death. So wide a margin as 984 to 951 should surely not be allowed for the consecration of Oscytel to the see of Dorchester, for Mr. Searle refers his readers to 'Chron.' B, 971, which tells us that Oscytel died in that year and was a bishop for twenty-two years, and the words evidently refer to the whole period during which he held episcopal orders. His earliest known attestation as bishop belongs to 951. This use of the word *biscop* may be compared with *Her Eadsige arēb. forlet þet biscop rice.*⁷ In the Dorchester list Oscytel's translation to York is dated 958; in the York list 956, which is, I believe, the correct date. Mr. Plummer says that 956 is too late, because we are told in the Chronicle that York was granted to Oscytel by Eadred, and he propounds the ingenious theory that when Archbishop Wulfstan was 'restored' at Dorchester in 954 he and Oscytel exchanged sees.⁸ That this theory has some truth in it seems to me certain, but, nevertheless, I see no reason to think that Oscytel should be reckoned as archbishop of York during the lifetime of Wulfstan. It is easier to believe that in 954 or 955 Eadred committed the church of York to Oscytel's keeping, probably with a promise of succession, that Wulfstan discharged Oscytel's episcopal functions at Dorchester until his death in 956, and that Oscytel then succeeded to the archbishopric. This theory receives some support from the date of Oscytel's journey to Rome to receive his *pallium*, which took place after the death of Archbishop Oda,⁹ probably on 22 June 958. If he was translated to the archbishopric in 954 or 955, why did he not go for his *pallium* earlier? While then Mr. Plummer's

⁴ *Hist. Eccles.* iii. c. 28, v. c. 19.

⁵ *Early English Church Hist.* p. 246, ed. 1897.

⁶ *Chron.* E, 1043 (Plummer).

⁷ *Vita S. Oswaldi*, auct. anon.

⁸ Eddi, *Vita Wilfridi*, c. 14.

⁹ *Saxon Chrons.* ii. ix.

theory of an exchange, forced upon Wulfstan by Eadred, may be accepted so far as concerns the administration of the two dioceses, I cannot place Oscytel's translation before the death of Wulfstan in 956, the year assigned to it by Florence of Worcester and adopted in the York list given here. Mr. Searle's other date, 958, seems to lack any corroborative authority.

In his genealogies of the royal houses Mr. Searle accepts the improbable suggestion, tentatively made in the 'Dictionary of Christian Biography,' that Osric of Northumbria (718-729) was the son of Alchfrith or Ealdfrith, the son of Oswiu, and not the son of Aldfrid or Ealdfrith of Northumbria, but avoids making him the same as Osric, the Hwiccan under-king. He declines to give an opinion on the difficult question as to the parentage of Eric of Northumbria (948), and describes his father, Harold, on the one side of his name as Harald Hárfagr, king of Norway and on the other as Harald Blátand, king of Denmark. Here his references are feeble; for Harold of Denmark he should have referred us to Adam of Bremen,¹⁰ and for Harold of Norway to 'Corpus Poet. Bor.' i. 259, ii. Exc. ii., where the argument seems convincing. As in a later genealogy Mr. Searle does not include Eric among the children of Harold of Denmark, it may be supposed that he is of the same opinion. His method of arranging facts and references suggests that he believes that the Eric who was deserted in 948 was other than the Eric who was driven from Northumbria in 954. On the same page Mr. Searle makes the Guthferth who was the father of Rægenald¹¹ [and Anlaf¹²] the uncle of the Guthferth who was expelled from Northumbria in 926 or 927.¹³ This division of persons seems unnecessary, and the sequence of events suggests that it is incorrect. Florence of Worcester and his followers are, as Mr. Plummer points out, probably mistaken in saying that Guthferth was the son of Sihtric; he seems to have been his brother, and he was the father of the Anlaf who died in 942 and is unaccountably left out in this genealogy, and of Rægenald, who, as is noted here, was expelled along with Anlaf the son of Sihtric in 944.¹⁴

The pedigrees of the noble families are necessarily for the most part extremely short. Full and helpful pedigrees are, however, given of the families of Æthelstan of East Anglia, the 'half-king,' Brithnoth of Essex, and Leofric of Mercia. Owing probably to the plan of giving equal prominence to all statements, whether right or wrong, one pedigree correctly makes Ælfric, the ealdorman of Hampshire and Berkshire, the traitor of 992 and the father of Ælfgar;¹⁵ the next attributes the treachery and the son to Ælfric of Mercia, who was banished in 985. It is scarcely worth while to perpetuate mistakes; it is misleading to append the reference 'A.-S. Chr.' to the statement that the traitor of 992 was Ælfric of Mercia, who had his own sins to account for, and Ælfric of Mercia was certainly not the brother of Eadwine, abbot of Abingdon. I notice these points willingly, because I thus gain an opportunity of acknowledging with regret my own errors in this matter in the article on Ælfric, ealdorman of Mercia, in the 'Dictionary of National Biography.'

¹⁰ *Mon. Germ. Hist.*: SS. vii. 313-4.

¹² *Sym. Dunelm.* i. 76 (Rolls ser.)

¹¹ *Gaedhfil and Gail*, ed. Todd, pp. 279-80.

¹¹ *Chron. A.* 944.

¹³ *Chron. E, F.* 927; *Flor. Wig.* 926.

¹⁵ *Chron. E.* 993.

Since that article was written the learned editors of the 'Crawford Charters' ¹⁶ have pointed out these errors, and have clearly distinguished between the two Ælfrics. It would have been well if their guidance had consistently been followed here. Again, the description of Ælfgar, the father of Ælfæd, the wife of Brithnoth, and of Æthelfæd of Damerham, wife of King Eadmund, as 'ealdorman of the Wilsætas' seems open to question. Ælfgar was an East Anglian; his lands lay in East Anglia and Essex, and he was, as is noted here, buried at Stoke, in Suffolk. Damerham, in Wiltshire, was not part of Æthelfæd's patrimony; it was granted to her by Eadmund. Ælfgar the kinsman of King Eadgar, who died in 962 ¹⁷ and was buried at Wilton, is entered elsewhere correctly as a different person, but it is possible that Mr. Searle has nevertheless confused him in this place with Ælfgar the East Anglian, the ealdorman, probably, of some East Anglian district. Lastly, it is certainly ill-advised to place under Æthelweard, the chronicler, the ealdorman of Wessex, or of some large part of it, references to an attestation of 1018 and to the banishment of an ealdorman of that name in 1020; ¹⁸ both seem to belong to Æthelweard, son-in-law of Æthelmær the Stout, the son of the chronicler. Mr. Searle maintains his statements by a reference to Robertson, ¹⁹ but Robertson observes that the 'signature of Æthelweard (the chronicler) is missed after 998,' and in a pedigree given a few pages later clearly distinguishes between him and his granddaughter's husband, who was banished in 1020. On some of the points which I have noted difference of opinion is, of course, to be expected; on others, and their number might be increased, there can scarcely be a doubt that more care should have been exercised. The book, when thoroughly revised, will be extremely valuable.

W. HUNT.

Two of the Saxon Chronicles Parallel, with Supplementary Extracts from the Others. Edited by CHARLES PLUMMER, M.A., on the basis of an edition by John Earle, M.A. Vol. II. Introduction, Notes, and Index. (Clarendon Press. 1899.)

MR. PLUMMER'S new edition of the two Chronicles from the Parker and Laud MSS. was noticed in this Review on the publication of the text some years ago. His work on Bede delayed the second volume, with the introduction and commentary; but now the book is complete, and it will receive the thanks of all students of early English history and of the old language. The introduction is a fine piece of argument, explaining the origin, composition, and mutual relations of the different chronicles; the notes are full of matter admirably selected and neatly expressed; with the glossary and other apparatus in the first volume everything is provided for the right reading and understanding of the two parallel texts and of the select passages from other manuscripts. The only great defect is one which the editor feels most keenly himself and acknowledges more than once. The Parker and the Laud MSS. are not enough, even with the extracts by which they are supplemented. Mr. Plummer would have liked to give all the Chronicles in full, and is conscious that this is the only really satisfactory way of editing them. But the plan of edition was

¹⁶ *Anecd. Oxon.*, Medieval Ser. vii.

¹⁸ *Chron.* D, E.

¹⁷ *Chron.* A.

¹⁹ *Essays*, pp. 184, 188.

fixed before he undertook it; accepting that scheme, he has made the most of it, but with some of the disadvantages of a compromise. The new edition has not quite the same unity of effect as the original work of Professor Earle.

In the introduction, one of the most valuable parts is naturally the account of the chronicle contained in the Laud MS.—the chronicle that ends at Peterborough with the accession of Henry II. It has had more varied fortunes than the others in its longer life. Mr. Plummer's chief results in this part of his investigation are concerned with the part from about 1028 to the Conquest. He has demonstrated that this part of the Peterborough book was taken from a chronicle written at St. Augustine's in Canterbury, which was also copied in the chronicle quoted as F,¹ written by a scribe who also used the Parker MS. and made interpolations in it. The sections on the relation of the Peterborough text to the Annals of Waverley and to Henry of Huntingdon, and on the several sources of the Latin entries in it, carry out a very satisfactory critical demonstration. Another specially interesting part of the introduction is that which furnishes a theory of the way in which chronicles were put together out of loose notes, 'small groups of annals;' an hypothesis which is shown to be at any rate *vera causa* in the note on p. lxxv. The explanation of the connexion between D,² C,³ and E (Laud) in the part from 984 onward,⁴ is, again, an excellent specimen of the editor's method. The chapter 'Of the Growth of the Chronicle'⁵ is a summary, tracing the chronicles from their origin in the work of Alfred through their various stages, with their several peculiarities; it is presented in a way that makes everything clear, first giving the elements out of which the chronicles are compounded, then taking the different versions separately and showing how they probably came to be put together. These few pages contain the essential part of Mr. Plummer's theory, and it is not easy to find any flaw in them. The editor permits himself only one unproved hypothesis, and this is not left unsupported by evidence—namely, that what has commonly been regarded as the Worcester Chronicle (D) belongs not to Worcester but to Evesham.

In the text and its interpretation some valuable additions have been made to the first volume, e.g. the reading *ofer sæ* in an. 924 D, which makes away with an absurdity. A mistake may be noted in vol. ii. p. 98, A.D. 885. There is no reference to Italy; the chronicler says that Charles succeeded to the 'west kingdom'—to all the west kingdom between the Mediterranean and the English Channel, except Brittany. There are some omissions in the historical commentary; thus one looks for more information about the much-debated mythical genealogies; the editor might have mentioned the discussion in Grimm's 'Mythology,' and the decisive paper of Sievers in Paul and Braune, 'Beiträge,' xvi. 361 ('Sceaf in den nordischen Genealogien'), which shows the futility of the Norwegian versions of the pedigrees. No account is taken of Mr. Stevenson's paper in this Review on the early settlement of Wessex; in the note on A.D. 501, Port, the personal name, is not allowed a chance of authenticity, and Bieda fares little better. But these are trivialities, and

¹ Cott. Domit. A. viii.

² Cott. Tib. B. iv.

³ Tib. B. i.

⁴ P. lxxv sqq.

⁵ Pp. cxiv-cxxii.

do not take away anything appreciable from the value of Mr. Plummer's historical commentary. The following examples may be recommended to any one who wishes to see the right kind of historical explanation. On p. 97 a line or two on the relations of Florence and Asser to their authorities may go along with the note on p. lxxxiii to help one far on the way through a difficult problem. On the annal of 876, dealing with Ethelwerd's statement that Alfred bought off the Danes, Mr. Plummer may be taken to have proved his point, or at any rate to have made the contrary position untenable. These notes are succinct and dry, but the editor has other methods of elucidation at the proper time, *e.g.* in the delightful passage (A.D. 891) in the Irish voyagers, which brings together for students of history and of poetry the documents about those adventures of the sea which appear in one form in the voyages of Maelduin and St. Brandan, in another form here, in the sober chronicle, and in the historians Dicuil and Ari. Mr. Plummer, by the way, refers to a book not accessible to us under the name of 'Origines Islandiae,' apparently an edition of the 'Landnámabók,' about which one would be glad to have further information. Another more expansive note, though of a different sort and less pleasant than the account of the Irish scholars, is concerned with Mr. Freeman's treatment of evidence in the case of Godwin. Mr. Plummer, who finds interest in other things besides the dry light of historical criticism (in the sailing of Maelduin, for instance), has no liking for the sentiments and sympathies that make their own easy canons to suit their special cases. He shows exactly how the evidence is to be weighed and tested as touching the fortunes of the Atheling Alfred; and he shows that Mr. Freeman in some instances varied his principles as he went along. There are many other parts of the commentary which might be quoted for their matter or their style, or both, but it is hardly necessary.

While Mr. Plummer's edition is a new book it preserves not a little of the original work of Professor Earle, whose edition still keeps an independent value of its own for students of the humanities. W. P. KER.

The Medieval Empire. By HERBERT FISHER. 2 vols. (London: Macmillan & Co. 1898.)

THESE volumes are evidently the outcome of very extensive reading in a literature which, owing partly to its highly specialised character and partly to the fact that it exists, for the most part, exclusively in a foreign language, is but little known in England save to professed historical students. An endeavour, accordingly, to place before the English reader some of the main results of so much toilsome research and acute investigation deserves to be gratefully welcomed. In his 'Introduction' Mr. Fisher acknowledges his obligations in the field of German law to 'Schröder, and Stobbe, and Homeyer, and Sohm and Schulze;' if his account of 'Italian administration' is derived 'almost wholly' from Ficker's 'Forschungen' it must be admitted that he could hardly have had a more capable or learned guide; and if the labours of Gregorovius on the history of medieval Rome can scarcely rank as a very profound or complete treatment of a vast subject it would be difficult to name any single work which would supply its place.

* P. 211 *sqq.*

Riezler (he informs us) has been my main guide to Bavaria, Stälín to Swabia, Stein and Gengler to Franconia, though I have consulted original authorities as well. Huber has helped me much over Austria, Lavissee and Michael over the colonisation of the east, Sugenheim and Specht and Hauck over the Church, Brandileone over the legislation of Frederick II, Gaspary over the beginnings of Italian literature, Richter and Giesebrecht and the *Jahrbücher* throughout.

If to this enumeration we add the more specialised literature indicated at the commencement of each chapter as belonging to each particular phase of Mr. Fisher's wide subject, we become aware that his research must have extended over a literature so extensive that simply to have assimilated its main results, and to have reproduced them in concise and intelligible form, would constitute a service entitling the author to a high place among English historical scholars. His labours have, however, contemplated something more than this, for he claims to have examined with no less care all those original authorities on which the views of each of the above-named writers ultimately rest for their verification. 'I hope,' he says, 'that there is nothing of real importance, for my purpose, either in the first-hand or second-hand authorities, which has escaped me' (i. 11). Notwithstanding, however, the enormous labour involved in such extensive reading, he repudiates for his work any claim 'to instruct trained historians' and describes it as an 'essay.'

Such lengthened and indefatigable research, so modestly estimated by its author, might well seem to disarm criticism, were it not that, after making all due allowance for the difficulties involved, Mr. Fisher's execution scarcely realises the expectations which his above statement is calculated to excite. The whole worth of such an outline, or rather series of outlines, as he has sought to furnish for the historical student must largely depend on a systematic supply of references and notes. Each important statement—and his pages abound in bold and sweeping statements—loses considerably in value if not referred home to its authority. It is the presence of such aid which gives so much of their value to the monumental labours of a Waitz or a Stubbs; it is the absence of such systematic aid that greatly diminishes the value of these volumes. Another and not less serious defect is the frequent vagueness of his observations as regards the limits of time within which they are supposed to be applicable. And finally, while dividing his work into two parts, the former relating to Germany, the latter to Italy (a division which, singularly enough, is ignored in the table of contents), the respective outlines are so handled that facts essential for the continuity of the one have sometimes to be looked for in the other, where they are scarcely needed.

At the very commencement of his work Mr. Fisher exhibits remarkable independence of judgment; his sketch of the early history of Bavaria, for example, must strike all students who have bestowed some attention on that subject as highly original. He professes, indeed, to have followed Riezler, but he soon exhibits such striking divergence from the path marked out by his guide that inquiry is at once excited. In referring, for example, to the illustrious house of the Agilolfings, who ruled the province from 555 to 788, he says, 'Men dispute as to whether these *Agilolfings* (*sic*)

were Bavarians or Goths or Franks ; but whoever they were the country was throughout the period of their rule a Frankish dependency' (i. 60). Of all the provinces recognising, in the eighth century, a certain nominal Frankish supremacy none at once so attracts and baffles the curiosity of the investigator as Bavaria. And, as a matter of fact, the great house of the Agilolfingers—catholic in faith and at the same time closely allied to the kingly house of Lombardy, always seeking to rear in their own bright and beauteous land a power which might defy the all-encroaching grasp of the Frank—presents features which stand in strong contrast to the wearisome repetition of mere pagan and barbaric resistance. Its first great duke, Theodo, who died in 717, did much to establish Christianity throughout the province, while as regards his relation to the king of the Franks there seems no reason for challenging the statement of Riezler that Theodo ruled Bavaria in virtual independence of that monarch—*Gegenüber den Franken stand er nach allem, was wir wissen, völlig unabhängig*.¹ This independence, Riezler goes on to tell us, was maintained during the reign of Charles Martel, but on that monarch's death, in 741, it was exchanged for an attitude of active hostility. Bavaria under Odilo became the rallying point for the disaffected towards Frankish supremacy—*vereinigte der bairische Herzog alle Feinde des fränkischen Reiches*.² It was, however, in the years more immediately preceding its subjugation by the great Charles that Bavaria, under Tassilo III (or II), exhibited its fiercest determination to repudiate the yoke of the Frank. Tassilo discontinued the use of the regnal years of the Frankish monarch, substituting those of his own reign ; he conducted negotiations with foreign courts as though an independent prince ; he convened synods and enacted new laws ; made war with the Slaves and drew closer the ties which already bound him to the Lombard court. All this, together with the story of his fall, is told at some length by Riezler, is duly noted by Waitz, and not unmentioned even by Ranke in his 'Weltgeschichte,' while Regensburg still guards with reverence the two gigantic torsos representing the brave defender of her liberties and his resistless conqueror. 'It is a remarkable fact,' observes Mr. Fisher, 'that the Agilofing dukes have left no memories behind them. The dynasty fell without a protest' (i. 61). This statement is certainly very remarkable indeed. Not content with modifying the family name of the ducal house, Mr. Fisher seems inclined to assign the people themselves a land very different from that of the Bavaria of this period. In the year 907, he writes, 'a chronicler tells us that on 5 July the Bavarian race was almost entirely destroyed in battle by the Hungarians. Christian culture perished utterly out of Pannonia.' We do not know whether he intends to imply that the Bavaria of the tenth century would be identical with the ancient Pannonia. If not, then the passage would seem to mean that the Hungarians first occupied Pannonia in and after 907 ; but according to the best authorities they settled in that province in the preceding century.

Passing on to a later period, Mr. Fisher's account of the town growth of the eleventh and twelfth centuries appears not altogether consistent with itself. His sixth chapter supplies us with a number of highly interesting facts illustrative of the rise into commercial importance of the

¹ *Gesch. Baierns*, i. 78.

² *Ibid.* i. 81.

great cities on the Rhine, as well as in Saxony and Westphalia, down to the Hanseatic league. But when he comes to discuss the question of the towns on the royal domain he writes as follows :--

The Carolingian emperors had built forts at Magdeburg and Halle and along the Franconian frontier, and Henry IV had given city life a new start in Saxony. Even the ' Schwabenspiegel ' lays down the rule that fortification requires the permission of the empire. But after the death of Henry the Fowler the monarchy ceases to live up to its past or to its prerogative in this respect. The ' eligible sites ' are discovered, appropriated, developed by others (i. 291).

Turning to the *errata*, we do find ' Henry IV ' corrected to ' Henry I ; ' but it still looks very much as though by ' Henry I ' and ' Henry the Fowler ' the writer intended two different persons ; while, if the impulse given by royalty to the creation of walled towns both commenced and expired with the seventeen years' reign of Henry the Fowler, it was of very brief duration. We might almost infer, again, that all the chief centres in Saxony, which were then developed into walled towns to resist the inroads of the Hungarians—the bishops' palaces as well as the royal—were alike on the royal domain, and that this, in turn, was co-extensive with Saxony itself. Equally unsatisfactory is the manner in which he compares, while missing the true points of the comparison, the town life of Germany and of Italy in the twelfth century. ' In Germany,' he writes, ' there was little town life ; there was a large rural nobility, holding fiefs directly or indirectly of the crown. In Italy the towns were everything, the rural nobility comparatively insignificant in numbers and importance.' Here if for ' Italy ' he had written Lombardy the observation would have been approximately just ; but as regards central and southern Italy the chronicles of these times attest the presence in Tuscany, and all along the valleys of the Apennines, in the Abruzzi, and around Rome itself of a very considerable element of unruly counts and their followers, issuing forth from their strongholds to plunder and oppress, in almost precisely the same manner as the rude barons of the Teutonic provinces. Similarly, when referring to the growing impatience evinced by the cities of Germany of royalty as a resident element, he writes, ' The free towns and the seigneurial towns were tired of the old burden of hospitality. The crown must live upon its own.' But he fails to note the exact parallelism afforded by the cities of Lombardy at the same period—Cremona and Mantua stipulating with Barbarossa for the removal of the royal palace to *without* the city walls—Milan, as one of the conditions of her humiliation, consenting to allow of the erection of a royal palace *within*. Most notable of all, however, is the omission of any reference to these features as associated with the great political phenomenon of the twelfth century—the contemporaneous rise of the *commune* in France, the free city in Germany, and the Italian republic—a great wave of progress, originating in increased material prosperity, but finding expression in new conceptions of civic rights and immunities.

Under the rigorous rule of the first Frederick many features of dissimilarity between his Italian and his German kingdom in a great measure disappeared. It was his aim to bring about at least a legislative uniformity between the two, and for a time it seemed as though he might

be successful. Mr. Fisher, however, whose systematic endeavour it appears to be to find a perpetual antithesis between the two kingdoms, recognises no difference, and his disregard of such a difference sometimes leads him to contradict himself. Thus, in his chapter on 'Imperial Legislation in Italy,' in writing on the state of the feudal relations in Barbarossa's time, he says, 'Whereas in Germany the vassal can only dispose of the fruits of his benefice without the consent of the lord, in Italy he can alienate half, and in many districts—for instance, in Milan—the whole of his fief without the lord's consent' (ii. 148-149). A few pages further on we are told that Frederick 'at his first diet of Roncaglia' (1154) not only confirms Lothar's edict—'Fiefs may not be alienated without the lord's leave'—but he adds, 'All alienations hitherto so made, however ancient, are null and void' (ii. 162). Now as the law of Lothar III entitled 'Constitutio de Feudorum Distractione,' to which Mr. Fisher refers, belongs to the year 1136, it is evident that, for eighteen years prior to Frederick's enactment, the inalienability of fiefs had been the law of the land in Italy. In treating of the broader question of the double election to the papal chair in 1160 a similar endeavour to establish a marked divergence between the two kingdoms seems equally baseless.

It was firmly believed in Germany (writes Mr. Fisher) that Adrian IV and the cardinal Roland had entered into a conspiracy that on the death of the pope no one should be elected to the papacy unless he were a member of the league, and that the election and the resistance of Alexander III was the work of the Sicilian sect (i. 154).

By 'believed in Germany' the writer can only be supposed to imply that the belief was hardly supported by an adequate basis of fact in Italy, but his reference to Otto of Freising as his authority for such an implication seems to show that he has not really examined the evidence for himself. It is not Otto but Rahewin to whom we are indebted for our knowledge of this singular episode. And we have only to turn to this latter writer's account to become aware that what was 'believed in Germany' was known to be fact in Rome. Rahewin, in the fourth book of the 'Gesta Friderici,' supplies us, as is his wont, with three original documents—(1) a letter from Octavian's cardinals to the churches both of Germany and Italy; (2) a letter from Frederick himself to the archbishop of Salzburg; (3) a circular letter issued by the synod of Pavia—all alike concurring in the assertion that Hadrian and his party, not long before his death, had formed a league with William of Sicily hostile to the imperial interests, and that, in order that the league might continue undisturbed, they agreed that in the event of Hadrian's death his successor should be chosen from among the body of the conspirators.³

It would be easy to bring forward further instances of a like character occurring in almost every chapter, while the impression, which we derive from but a slight scrutiny of the text, of defective and hurried workmanship, ill-digested material, and a constant aiming at effect with little regard for accuracy, is confirmed when we turn to those details in which we may often discern the best evidence of faithful performance—the notes, the tables, and the maps. Among the first the following,

³ Rahewin, ed. Waitz, ed. 1884, pp. 242, 263, 267.

which I transcribe *verbatim et literatim*, may serve as a fair specimen. It occurs on p. 146 of vol. ii. as note 3, and is intended to illustrate the statement in the text to the effect that 'the appearance of the emperor upon the field of Roncaglia was the signal not only for an extended series of legal decisions, but also for the publication of edicts.'

3. *Gesta de Federigo I.*, ed. Monaci. Wherever the emperor was present in person he had concurrent jurisdiction with the ordinary local judges. Otto Fris. *Gesta Frid.*, i. 2, c. 13, 'Alia itidem ex antiqua consuetudine manasse traditur iustitia, ut principe Italiam intrante cunctae vacare debeant dignitates et magistratus ac ad ipsius nutum secundum scita legum iurisque peritorum iudicium universa tractari.' Cf. Ficker, *Forsch.* vol. i. pp. 275-6.

Here *Gesta de Federigo* for *Gesta di Federico* (as Monaci himself prints it), without reference either to page or line, is careless. The reference to Otto of Freising is unintelligible; it should be lib. ii. c. 15. But the main difficulty is that of reconciling Mr. Fisher's statement with the quotation from Otto. How could the emperor be said to exercise 'concurrent jurisdiction with the local judges' when Otto says that on the former entering Italy the magistracies became *ipso facto* vacant—the emperor, with the assistance of competent advisers, deciding all cases himself? Turning, however, to Ficker, the difficulty is explained. 'Hat der König,' he writes, 'wo irgend er persönlich anwesend ist, konkurrierende Gerichtsbarkeit mit allen andern Richtern, kann jederzeit in ihre Stelle eintreten.' By omitting to translate the italicised words, Mr. Fisher converts the explanation into a puzzle.

For his tables of descent our author has had recourse to Stokvis, and certainly could not have done better, the work in those volumes, so far as we have been able to examine it, affording a pleasing contrast to the glaring blunders which disfigure the pages of Mas Latrie. But Stokvis requires to be used with caution, inasmuch as, in order to economise space and avoid repetition, he frequently in one table refers the reader to several others. As it is, Mr. Fisher, in giving the genealogy of 'the Welf and Billung (*sic*) Families' (ii. 281), has managed to make 'Lothair of Supplinburg' appear, along with Welf VI and Judith, as one of the children of Henry, the ninth duke of Bavaria, and Wulfhild Billing. Instead of Lothar it should have been Henry the Proud, tenth duke of Bavaria and Lothar's son-in-law. Reference to Stokvis, vol. iii., 'Tableau Généalogique,' nos. 66 and 69, will make this sufficiently clear.

Among the maps the least satisfactory appears to be that of 'Italy in the Time of Frederick I' (ii. 136). It is adapted apparently from the map in Spruner-Menke, 'Italien, 1137-1305.' For the reign of Frederick, however, that excellent map is too late and likely seriously to mislead. As it is, Mr. Fisher's map is only tantalising. It fails to show Bari, Beneventum (both the principality and the capital), Anagni, Legnano, Roncaglia, and at least a dozen other places of almost equal importance, while the significance of the colouring is left altogether unexplained.

Full as these two volumes are of interesting facts, it is particularly disappointing to find the true connecting links often altogether wanting. There is ample evidence of wide reading, but the student must miss the necessary guidance to the specific authorities, and is sometimes even actually misdirected. Every chapter coruscates with graphic description

and epigrammatic *dicta*. But while the sparks fly up continuously there is a sad absence of clear, steady light. J. BASS MULLINGER.

Charles le Simple. Par AUGUSTE ECKEL. (Paris: Emile Bouillon. 1899.)

THIS work, published under the auspices of the Ecole des Hautes Etudes, is a contribution to a series of *Annales* for the history of France in the ninth and tenth centuries. M. Eckel takes up the thread at the point where it is dropped by M. E. Favre, whose study of the reign of Odo has already appeared in the same series. The narrative of Charles's reign is prefaced by an account of that prince's career previous to his accession. The second chapter opens with a useful account of the leading feudatories in the year 898, and goes on to describe Charles's Lotharingian policy down to the death of Zwentibold in 900. In the third chapter we have an account of the Normans in France from 888 to 911, and an elaborate discussion of the treaty of St. Clair-sur-Epte. The fourth is occupied with the affairs of Lotharingia from 900 to 922. The story of the king's deposition and imprisonment, a brief appreciation of his character, and a note upon the nickname 'Simple' bring the work to a conclusion. It will be seen that the author deviates from the strictly chronological method of arrangement. His book is, in fact, a compromise between a register of events and a literary study. But he atones for this vacillation with a satisfactory index; and he may be congratulated on having provided a useful book of reference. It is not his fault that he has been unable to throw much new light upon a period for which the authorities are so scanty, confused, and untrustworthy. It is hopeless to expect that the grain of truth which lurks in the narratives of such writers as Dudo and Richer will ever be evaluated unless new material comes to light.

We are not, however, sure that M. Eckel has always made the best use of the facts which he has collected. Though he admits in the abstract the untrustworthiness of Richer, he follows him as an authority for the character of Charles. We may perhaps accept as a fair statement of the tenth-century tradition the Sallustian passage in which Richer sums up his impressions (i. 14). But where Richer professes to speak in more detail of the personal feelings and ideas of the king he is merely romancing. M. Eckel cites the passage in which Richer makes the revolt against Odo originate in the personal ambition of the young Carolingian (i. 12); he ventures to draw inferences from the statements that Charles wept for the death of Fulco of Rheims (i. 12) and moralised over the corpse of Reginar Longneck (i. 34). These passages, if read in their context, are obviously undeserving of serious credence. M. Eckel would have been better advised to preserve the attitude of incredulity with which he regards Richer's fables about Haganon. But he goes too far in the attempt to whitewash the king's favourite. We may allow that the chief charge against Haganon was the meanness of his birth. But there is no evidence to warrant us in supposing that he was a man of conspicuous ability. The root of this error, as of the others which we have noticed, appears to be the author's desire to make the best case for Charles. It is, therefore, surprising that he should quote Richer's account of the battle of Soissons as proving Charles's military incapacity. The passage runs—

Cum ergo Karolus rex bello prudentia intenderet episcoporum instinetu aliorumque religiosorum virorum qui sibi assistebant actum est ut ipse rex bellum non ingrederetur, ne forte in rerum confusione regalis stirps eo lapsu consumeretur (i. 45).

From such a story no definite inference can be made. Another instance in which M. Eckel fails to make the best of his case is in dealing with the treaty of St. Clair-sur-Epte. He might very well have mentioned Freeman's ingenious vindication.¹ But this is not the only instance in which M. Eckel fails adequately to grasp the situation which he describes. He expresses himself as rather at a loss for the motives of the reconciliation between Odo and Charles. But it seems obvious that the two parties were driven to this course by the policy of Arnulf and Zwentibold. They felt that their differences were being exploited by unscrupulous enemies for the good of the German kingdom and of Lorraine.

The treatment of Lotharingian matters is the least satisfactory part of the book, though here the author has the *Jahrbücher* of Dümmler and Waitz to assist him. The supposition that Hatto and the Conradiner were parties to a plot for placing Charles the Simple on the throne of Lorraine is inadmissible (p. 49). In describing the fall of Zwentibold M. Eckel omits to notice how it was that the Lotharingian church, which that sovereign had favoured at the beginning of his reign, turned against him at the last. The explanation is, of course, to be found in the quarrel with Ratbod of Trier.² Ratbod appears at the side of Lewis the Child in the latter's first Lotharingian diploma. The supposition that Reginar bore the official title of duke is not warranted by the evidence adduced; and the author does well to retract this statement in his addenda. The title which Charles the Simple actually gives to Reginar is *marchio strenuus*.³ Similarly it is an error to say that Gisibert 'was certainly duke of Lorraine' before his submission to Henry the Fowler. It is true that Gisibert succeeded to the honours of his father; but he could not inherit from Reginar a title which Reginar did not possess. Gisibert does indeed receive the title of *dux* in the 'Miracula S. Maximini;' but that work was written not earlier than 957, and can hardly be cited as a proof in a matter of this kind. On the question of Alsace M. Eckel gives some valuable information; he shows that Charles regarded Alsace as legally forming a part of his kingdom (p. 100), and that there are coins of Strassburg which bear the name of the French king (p. 148). But he is rather unreasonably sceptical in discussing the origin of the French claim; there can be little doubt that Alsace was included in the kingdom of Zwentibold, since the latter issues at Strassburg a charter disposing of lands in the Breisgau.⁴ Against this evidence it is idle to set an *obiter dictum* of the Continuator of Regino, whose evidence on questions of detail is frequently worthless.

The Norman section of the book calls for less remark. On p. 65 M. Eckel accepts the identification of Mosterium with Montreuil-sur-Mer; and, although there is much to be said for the hypothesis, one objection has to be considered. Montreuil appears in Richer and Flodoard as *Monasteriolum*; and the diminutive form appears to be invariably

¹ *Hist. Norm. Conq.* i. 189.

² *Ann. Fuld.* s.a. 900.

³ Bouquet, ix. 523.

⁴ Dümmler, iii. 409.

preserved in thirteenth-century charters.⁵ Can the text of the passage in the 'Annales Vedastini' have been incorrectly transcribed? On the connexion of Brittany with Normandy M. Eckel is exceedingly brief, and his account is in one respect open to question. Flodoard in 988 mentions the cession not of Brittany but of a part of Brittany to the Normans of the Seine. Had he meant the whole province he would have said *Britannia*, as he does in the year 921. He probably is thinking of some part of the northern littoral. *Cornouaille* had been already ceded in 921 to the Normans of the Loire; a section of them was still in possession of the country.

H. W. C. DAVIS.

Abt Suger von Saint-Denis, 1081-1151. Von Dr. OTTO CARTELLIERI. 'Historische Studien,' Heft XI. (Berlin: E. Ebering. 1898.)

DR. OTTO CARTELLIERI, who is not to be confused with Dr. Alexander Cartellieri, the writer of a solid work on the early history of Philip Augustus, has the disadvantage in his book on Suger of covering ground that has already been well worn. After the works of Luchaire and Hirsch on the reigns of Louis VI and Louis VII, and after the labours of Lecoy de la Marche and Molinier on the writings of Suger, it was impossible for any one mainly relying, as Dr. Cartellieri does, on printed sources of information to contribute anything very novel either to the personal biography of the famous abbot of St. Denis or to the general political history of the two reigns in which he took so conspicuous a part. Yet it is one thing to write the general history of a reign and another to examine that reign from the point of view of the biography of its strangest personality. Even apart from this Dr. Cartellieri's work is so thorough and conscientious, so comprehensive in its scope, and so careful in its details, that it abundantly justifies its existence. The narrative portion of it is divided into three parts. In the first Dr. Cartellieri writes the political biography of Suger, bringing out clearly his well-known services to his two masters, besides emphasising what is perhaps less generally realised, his cardinal position as the virtual founder of the traditional alliance between France and the Hildebrandine papacy. The second part speaks of Suger's work as abbot of St. Denis. This is very largely drawn from Suger's own 'Liber de Rebus in Administratione sua Gestis' and his 'Libellus de Consecratione Ecclesiae Sancti Dionysii.' Here the material is put together so skilfully and lucidly that this section will be read with more interest than any other part of the book. It not only shows the wonderful activity of the man who was at once the greatest of contemporary statesmen and the most active and successful of monastic reformers, but throws a general light upon the internal and external economy of a great Benedictine house in the twelfth century. The contrast between the tempered and rational asceticism of the Benedictine with the extreme doctrines of self-renunciation preached by St. Bernard and the Cistercians comes out in every page. Nor is Suger forgotten as the builder, whose reconstruction of his own abbey church remains one of the earliest memorials of the infant Gothic in its original home. Comparatively flat comes the third part,

⁵ *E.g.* Rymer, i. 902, 911, 954.

dealing with Suger's literary activity, though here also the acute characterisation of his literary style and his general position are much to be commended, while Suger's indifference to theology and his absolute neutrality in relation to St. Bernard's crusade against the errors of Abelard, are excellently brought out. Nor should it be forgotten to praise the admirable register of Suger's acts, digested into chronological order in the face of almost overwhelming difficulties. It is true that the method involves a certain amount of repetition, and that sometimes a reference from text to register only leads us to a restatement of the same fact. In this section, however, Dr. Cartellieri more than once shows his independence of Luchaire by differing from him and by proving his points with fair conclusiveness. In the same way in one of his three appendices Dr. Cartellieri maintains against Luchaire that the most probable date of Suger's death is 18 Jan. 1151. He does not, however, lay so much stress as he might on the weighty opinion of M. Molinier, who inclines to date the event on 12 Jan. 1151. The day does not much matter, but the old opinion of the Benedictine authors of the 'Histoire Littéraire de la France' that Robert of Torigni's date of 1151 is the true one cannot be more strongly sustained than by the fact that his friend Josselin, bishop of Soissons, who was present at his last moments, died in October 1151, so that Suger could not have survived until Jan. 1152. Another interesting appendix tabulates the possessions of St. Denis as described in the 'Liber de Administratione.' It would have been more helpful perhaps if these had been grouped geographically rather than alphabetically after the names of the places; but, as some of the identifications are not very certain, perhaps Dr. Cartellieri's method should not be too absolutely condemned. The English reader will notice that Deerhurst is the only possession of the abbey in these islands mentioned in the list. It is a great pity that so solid a book should, after the bad German fashion, be destitute of an index.

Two small corrections may be suggested. *Die dreifache Krone* of p. 27 is a slight anachronism, as it was not until a later age that the triple crown was assumed by the popes. St. Denys's Southampton, founded by Henry I about 1124, was not a Benedictine priory, but a house of Black Canons.

T. F. TOUR.

I Capitolari delle Arti Veneziane. A cura di GIOVANNI MONTICOLO.
(Roma : Istituto Storico Italiano. 1896.)

AMONG the students of early Venetian history none holds a higher place than Professor Giovanni Monticolo. His edition of the 'Cronache Veneziane Antichissime' is well known for the patience and scholarly care which have been bestowed upon the work. The same qualities in as full a degree render his edition of the 'Capitolari delle Arti Veneziane' a monument of which both the editor and the Istituto Storico Italiano may well be proud. This volume, which is to be followed by a second, containing a Latin-Venetian glossary, embraces the by-laws of the Venetian trade guilds, which were under the direction of the magistracy known as the *Giustizia Vecchia*. The documents are transcribed from a register of that office, and are copiously and learnedly illustrated. The codex contains a copy of entries in an earlier volume,

now lost; this copy is in the handwriting of a single clerk down to the year 1278; after that additions are made in various contemporary hands, as fresh regulations were voted by the guild itself, or imposed by the magistrates who were intrusted with the government of the guilds. The codex is not complete—that is to say, it does not contain the by-laws of all the guilds dependent upon the *Giustizia Vecchia*, and we know that not all the guilds in Venice were subject to that office; for example, the guild of Interpreters, Tholomagii (= Dolmetschers) was under the magistracy of the *Cataver*,¹ and its by-laws will be found in the ‘Capitolare’ of that office.

The interest of Professor Monticolo’s work is very great; his documents and their illustration throw light on the question of prices; on the ordinary daily life of the city; on the strict regulations enforced to secure fair trading—the fishmongers, for example, were forbidden to put fresh blood on stale fishes’ gills, or to cover them up with seaweed, so that the purchaser could not readily inspect them;—on the conservatism of trade—we find that, as in England to-day so in Venice of the thirteenth century, fishmongers were also sellers of game;—on questions of vocabulary—in the ‘Capitolare de Aurifex’ (p. 115) we read, *Iuro . . . quod nullum . . . argentum meum vel alienum peius quam de sterlinis laborabo*. The volume does not profess to be a study of the internal structure and development of the guilds in Venice, though it is certain that these confraternities were economically constructed upon fixed lines. They were governed by a *gastaldo*, or president, *giudici*, or auditors of accounts, and a *scrivano*, a secretary and treasurer. These formed the *banca*, and were elected yearly, but the whole corporation met in chapter. The appointments were confirmed by the government office, be it the *Giustizia Vecchia* or the *Proveditori di Comum*, under which the guild was placed; and to these officers of the guild the government looked for the payment of the taxes. But in Venice the guilds never acquired that political importance which they gradually secured in many other Italian cities, chiefly in Tuscany, and notably in Florence, where the *capitadini*, or consuls of the guilds, were admitted to the councils of state, and frequently ruled them. If we take, for example, the guild of the *Calimala* at Florence, and compare it with the guild of the *Tintori* at Venice, the immense difference becomes obvious.

At Florence the life of the people was concentrated in the guilds when the Ghibellines kept them out of a voice in the management of the state; inside the guilds the people developed a constitution, acquired force and cohesion, and from inside the guilds they eventually emerged to combat the nobles and to rule the state. At Venice too the life of the people may be said to have been concentrated in the guilds, but, unlike Florence, when the aristocracy made itself a close caste in 1296 by the *Serrata del Maggior Consiglio*, there was no determined insurgence against their claim to rule, no resolute insistence on the part of the people to a share in the government. It is true that the conspiracies of Bocconio and Bajamonte Tiepolo indicate a certain recalcitrance, but I believe they represented a movement of the older aristocracy, relying on the people, against the new commercial aristocracy, rather than an effort

¹ ‘Capitolare, 4, lxxxiv. 22 March 1387.

to preserve for the citizens of the community their natural right to a voice in the state. At any rate the new oligarchy soon supplied itself with an efficient executive engine in the shape of the Council of Ten, and the state was never again seriously shaken by revolution. And the cause of this fortunate peculiarity is to be found deep down in the most essential quality of the Venetian state, the complete absence of the feudal system. In Venice there were no real Guelphs and Ghibellines, no landed aristocracy opposed to burgher citizens, no appeals by one party or the other to foreign intervention to seat it in power. The patrician was not essentially different from the citizen; before the closing of the Great Council there had been no salient differentiation; wealth and distinguished services to the state brought some families to the front, but all were essentially Venetian. The community was inherently organic from top to bottom; it was, and always remained, a great joint-stock company for the exploitation of the Mediterranean and the East.

HORATIO F. BROWN.

Hierarchia Catholica Medii Aevi sive summorum Pontificum, S. R. E. Cardinalium, Ecclesiarum Antistitum Series ab anno 1198 usque ad annum 1481 perducta. Per CONRADUM EUBEL, Ord. Min. Conv., S. Theol. Doct., Apostolicum apud S. Petrum de Urbe Poenitentiarium. (Münster: Regensberg. 1898.)

THIS work is one of the fruits of Leo XIII's enlightened policy of throwing open the Vatican archives to the researches of scholars. It is an attempt to correct the existing lists of bishops, as they stand, for instance, in the 'Series Episcoporum' of Gams, by reference to the Vatican registers. The date 1198 is selected for a *terminus a quo* in the date at which the extant registers begin; the *terminus ad quem* is 1481—about the time when the facts begin to be sufficiently well known. The work of Gams was based on printed sources. Father Eubel has taken his dates direct from the records of papal provisions in the Vatican registers, wherever the appointment was made by provision, and the reference to the registers is given. The work contains also a list of popes and cardinals. It would be difficult without a great deal of comparison to estimate the exact amount of correction which Father Eubel has introduced into the received lists, but, whether the amount be large or small, the value of his labours is undiminished. It is now possible to ascertain at once whatever information is to be got from the Vatican archives on the subject. In such a mass of dates misprints are unavoidable, but it is unfortunate that I should have been able to discover two of them in a few minutes. Oliver Sutton certainly became bishop of Lincoln in 1280, not in 1286 (the date is given on the authority of Gams, who prints 1280). Edmund Rich became archbishop of Canterbury in 1238, not in 1338. But I am bound to add that I have spent some time in looking for a third mistake without finding one, and have no reason to doubt that a high degree of accuracy has been attained. As a specimen of the corrections or additions which we owe to Father Eubel I may mention that Boniface of Savoy was apparently 'provided' to the archbishopric of Canterbury in 1248, not in 1245, the year given by Gams, which was the year of his consecration by that pope. H. RASHDALL.

Cartulaire Général de l'Ordre des Hospitaliers de S. Jean de Jérusalem (1100-1810). Par J. DELAVILLE LE ROULX. Tome III. (1261-1800.) (Paris : Leroux. 1899.)

THIS great undertaking moves steadily on, and the editor is to be congratulated on reaching the end of his third volume after the comparatively short interval of two years.¹ Allowing for the help of the guiding principles of selection laid down at the commencement, this is no mean achievement, when not only the vast number of documents, but also the numerous details concerning their sources, originals, and previous publication—either in full or in analysis—choice of text, settlement of date, identification of historic personages and of place-names, besides others, are taken into account. Much research must have been necessary over various points regarding many of these documents, and it would be remarkable if, dealing with so many countries, occasional slips did not occur, though, so far as we can test, these are rare. The student is not yet assisted by any index or even list of names; a list simply classified according to *languages* might have been prefixed to each volume with advantage, since reference from one final index to previous volumes of such ponderous size will prove inconvenient.

The number of pieces dealt with is 1,554, covering a period of forty years, viz. nearly the second half of the thirteenth century, when the order of the Knights Hospitallers of St. John, more than a century and a half old, had extended its possessions in most of the chief countries of Europe, and was a power, backed by the church, to be reckoned with in the councils of princes and kings. Of the great rival orders, the Knights Templars and the Teutonic Knights, we gain several glimpses, due either to the differences or to united action among the three brotherhoods; to the first belong a series of four documents, 27-81 May 1262, by which a dispute over possessions in certain fiefs in the kingdom of Jerusalem, between the Templars and the Hospitallers, was by them referred to the arbitration of the bishop of Jerusalem, the grand commander of the Teutonic Knights, and two other officials in that kingdom, the conditions of agreement set forth, and the final terms of exchange and agreement published as sealed by both parties at Acre. (These four are gathered together from the archives of Marseilles and Malta.) In August 1267 James I of Aragon gave his decision in favour of the Templars in a Spanish dispute with the Hospitallers. On the other hand the three orders appear together in an exemption by Clement IV from a levy to be made by Louis IX of France on ecclesiastical revenues, 5 May 1267, probably because he was about to urge them all to aid in the defence of Antioch (17 May 1267). And the three grand-masters, with the patriarch of Jerusalem and the steward of the kingdom, intervene on behalf of the count of Brienne with his feudal suzerain about the same time; while again in 1289 the pope could command those of the three orders in the kingdom of Naples to oppose James II of Aragon. In Germany we find (in 1299) a nobleman of Hohenlohe certifying an agreement as to the use of the common woods made between the Teutonics on one side and the Hospitallers and burgesses of Mergetheim on the other; nearly thirty years before this the charters of Syria show a friendly

¹ See ENGLISH HISTORICAL REVIEW, xiii. 346.

arrangement by which the Hospitallers permit the Teutonic Knights to sow and harvest the crops from lands of their casal Manueth during one year, on account of the bad condition of Montfort Castle. References to the Templars are not infrequent (the editor has embodied in this work some of the pieces relating to them published by him from the archives of Malta in 1882); two of perhaps the more historic interest are that of July 1270, when Henry III of England, who had ordered the levy of a twentieth for succour of the Holy Land, entrusted the collection of the money to the treasurers of the Hospital of Clerkenwell and of the New Temple in London, into the treasury of which last it was to be paid; and an extract from the will of Alphonse III, king of Portugal, 1271, by which he bequeathed 2,000*l.* each to the Hospital at Acre and to the Templars of the Holy Land.

As might be expected, many of the pieces relate to lands or incidents in Syria and Cyprus, and do much to illustrate the state of feudal law established in the Latin kingdom and the system of arbitration resorted to in cases of exchange or dispute. Names and dignities may be found among them useful in studying the rather uncertain distribution of the kingdom into fiefs: of the list given by Mr. T. A. Archer² we find (and no doubt others occur) Julien, the lord of Sidon, and the archbishop of Nazareth in 1261 (11 Oct.); Balian d'Ibelin, lord of Arsur, in 1261, 1269, &c.; the lordships of Caymont, Saette, Beaufort, and Saphet in 1262 (arbitration of 31 May), besides the lordships of Valenie, Margat, and Tabarie (same date); the lord of Blanche Garde in 1266; and the lords of Tyre, Beirut, and Toron in 1265, 1270, and 1271. The earliest object of the brotherhood is recalled by the simple record that two brothers, Isaac and Jacob Quemoine, give to the hospital *pour les signours malades leurs maisonnettes* at Acre in 1271. The abbey of St. Lazarus of Bethany was withdrawn from the Hospitallers in 1261. Nazareth and the casal Robert were the cause of great contention between the archbishop and the hospital, ended by arbitration in 1263, and the possession of a village in the Antioch territory, disputed by the Hospitallers and the church of Hebron, was settled by mediation in 1265. Bohemond VI, prince of Antioch and count of Tripoli, had to resort to arbitration to settle his difficulties with the grand-master in 1262; and his successor, Bohemond VII, quarrelling both with the Templars and with the bishop of Tripoli, followed in the same way in 1278. Two interesting transactions were the exchange, in 1269, by Philip, lord of Tyre, of a village and a house for a gate in the walls of the city, behind the house of the Hospitallers, which had been given them by a former king of Jerusalem and Cyprus, confirmed at Nicosia in 1270; and a grant by King Hugh III in 1269 of a casal near Limisso, in Cyprus, the terms of the document, usual though they were, giving the village with all its appurtenances 'in men, women, and children, in mountains and valleys, in lands cultivated and non-cultivated, in woods and waters and all other things,' indicating a vivid reality.

Travelling out of Syria, the documents incidentally illustrate many local points of interest in the various European countries where the order found habitation, such as the gardens of olives exchanged by the king

² Poole's *Historical Atlas*, part xxiv.

and the hospital in Portugal; the royal *salines* of Aragon and regulations as to purchase of salt there; the necessity for portable altars in houses obtained by the Hospitallers in Germany (1266), these not containing churches, chapels, or oratories; the gift by the duke of Sweden of 'curia Karleby' to the Hospitallers of Ekilstuna. In these pages we see St. Stephen of Hungary making agreement with the grand prior of Hungary and Sclavonia; the Rudolfs of Habsburg, the two Charles of Anjou, kings of Naples, Ottokar of Bohemia, and many other stately personages of the thirteenth century either granting special privileges or making donations to the Hospitallers within their dominions; or on the other hand taking advantage of the strongholds of the order to place precious objects in security during times of jeopardy, as, for example, the charters of Majorca, Montpellier, Roussillon, &c., belonging to the crown of Aragon, in 1269; the forty-four charters of privileges pertaining to the lordship of Giblet, given up in the presence of the highest personages of the Templars and of the kingdom of Jerusalem (1271); the rich list of relics and jewelry consigned to the care of the prior of St. Jean d'Aix by Charles I of Anjou in 1278. The grand prior of England was even made royal treasurer during the absence of Edward I in 1278. But it was for defence against the Tartar and the Saracen that men still looked to the aid of the fighting orders; the talk was still of a crusade, though the great, irresistible impulse was dying away. Many of the documents here collected, ranging between 1265 and 1291, throw side-lights on the invasion of the Holy Land and the successes by the sultan of Egypt; the efforts made by the popes Clement IV and Gregory X; the zeal of Louis IX of France, and the part taken by Edward I of England. It is noteworthy, again, that in most cases the three orders together were called upon for help; as late as 1287 Honorius IV requires those in Hungary to aid the archbishop of Gran against the Tartars and Saracens. There does not appear to be anything new among these; the documents are already to be found in well-known collections, among which the 'Bibliothèque de l'École des Chartes' has published the most interesting relating to England. We fail to see why M. Delaville le Roulx, reprinting these, should not also have reprinted the letter from Edward I of 20 May 1282, instead of merely giving an analysis from the Pilgrims' Text Society, which is not accessible to all.

The pieces relating to the Hospitallers in England—apart from the nine or ten touching on the crusades—are numerous, some sixty-five or more, chiefly dealing with local matters, grants of property, warren, fairs, fines, and other manorial rights, royal confirmation of privileges, safe-conducts, &c., just as would be the case with any great corporation or wealthy family. For 1289 two or three concern the hospital as under the English in France. Those relating to the Grand Priory of Ireland are but nine or ten, while one is Edward I's confirmation of the liberties of the order in Wales.

Lastly, of much importance to the historian of the order in general, this volume contains copies of the statutes promulgated under the four grand-masters who held sway between 1261 and 1300, each of whom issued several revisions or editions, viz. Hugh Revel, in 1263, 1265, 1268 1270; Nicolas Lorgne, in 1278 and 1283; Jean de Villiers, in 1288

1292, 1293; Eudes des Pins, in 1294 and 1295. Those previous to 1288 are dated from Acre; those subsequent are from Limisso, in Cyprus. The texts are given in French and Latin, with full bibliographic references. An interesting manuscript in the 'Bibliothèque Nationale' at Paris contains the draft of statutes proposed to Boniface VIII by old brethren for the reformation of the government of the order in 1295; the text is here given in full. From the same French manuscript are also printed for the first time some curious documents of 1299 regarding a controversy between the convent in Cyprus and the grand-master Villaret as to the place where the chapter-general, summoned for 1 Aug. 1300, should be held, whether in Cyprus or in Avignon.

L. TOULMIN SMITH.

A History of the British Army. By the Hon. J. W. FORTESCUE.
2 vol. (London: Macmillan & Co. 1899.)

MR. FORTESCUE has given us in two volumes his first instalment of a comprehensive work. Treating his subject in a manner which is quite his own, while at the same time confessing his debts to other writers, he has been the first to construct a scholarly and connected story of the growth of our military institutions and of the development of tactics as revealed in a continuous series of wars. His style is lucid, and his descriptions of battles are easy to follow. But his chief merit is a well-balanced judgment. In 208 pages he gives a good preliminary sketch; then he takes the establishment of the New Model as a starting point and goes into detail, devoting nearly 400 pages to Cromwell and Charles II, William and Marlborough. The 600 pages of the second volume cover the history of barely fifty years down to the treaty of Paris, yet the story is not overloaded with superfluous detail.

The author does not pretend to write as a specialist on medieval warfare, and has followed Köhler for the period down to Bosworth. One regrets that he has not followed Mr. Hereford George, whose theory of the *hervé* is preferable to that of Köhler. There are some errors in detail—for instance, the statement that Edward I was creating a new departure when he kept his knights on horseback in action, and that Edward III reverted after a short interval to the old practice of dismounting; also one would feel inclined to join issue on the question of the retention of the long bow. But the main points of the period are treated with clearness and brevity, and the great campaigns and battles are illustrated with graphic touches, Auray in particular, though one wonders that Mr. Fortescue, seeing the humorous side of that battle, has not also perceived the comedy of Agincourt. A short chapter on the development of infantry tactics outside England, under Swiss, German, and Spanish influence, is excellent, showing how ideas were progressing abroad in the fifteenth and sixteenth centuries, while our ancestors still adhered to bows and bills. A few pages show the value of the small but highly organised corps of Spain, and the reintroduction of cavalry tactics by the German reiters is in sharp contrast. The popular error concerning armour and gunpowder is difficult to combat, but the most thoughtless reader must admit from Mr. Fortescue's facts that heavy plate was fashioned to keep out 'the new-fangled bullets' rather than the arrows. A typical Tudor army under Henry VIII is discussed, with remarks perhaps unduly

depreciating the bow, and the northern horse are praised as though they were a new corps, being rather a continuation of the hobelars and mounted archers of Edward III. Chapters on Maurice of Nassau and Gustavus Adolphus bridge over the period during which English and Scotch fought under foreign flags, Morgan and Norris and the Veres, under the one, Dunbar and Munro and Mackay, under the other, being figures too often passed over, though their services are essential to an understanding of the events which lead from Elizabeth's reign to the Civil War. The reforms of Gustavus towards the attainment of greater mobility by both horse and foot are admirably handled.

There are two questions connected with the Civil War, the new prominence of shock action and the establishment of a standing army. Mr. Fortescue acknowledges the importance of Rupert, who first taught his men to charge home, for his charge at a gallop was a truer exposition of shock tactics than that which Gustavus introduced. There is a good phrase about the cavalier 'hot-heads,' who are termed 'the ablest amateurs' of the day. It might be argued that Rupert charged home more thoroughly than ever the Swedes did simply because he was at first opposed by such poor material, for the roundheads under Essex could easily be ridden down and were feeble enemies in contrast to Tilly's or Wallenstein's Germans; also it was but natural for the originator of the gallop to neglect to study the art of reining in. But scientific cavalry tactics came in first with Cromwell, and did not fall with him, for even Marlborough was in a sense Cromwell's pupil. Mr. Fortescue in a few words disposes of the Marston Moor difficulty; the momentary check to Cromwell's troopers was merely 'the usual swing of the pendulum in a combat of cavalry,' and the glory of the action must be awarded to him and not to Leslie. Then the formation of the New Model receives careful treatment. Its work in the field is illustrated by good descriptions of Dunbar and Dunkirk. But while Mr. Fortescue in his preface warns us that the general historian is usually too neglectful of military matters, he now himself in his admiration of the New Model forgets general considerations. The overpowering cost of the army is quite left out of sight. More might have been made of the antagonism between Monk and Lambert, each representing a rival theory as to the proper relations between state and army, Monk standing for a constitutional government which a self-respecting soldier could obey, Lambert for a government created by and existing for the army. Mr. Fortescue has not noticed that there were imperative reasons for the disbandment of the bulk of the Cromwellians.

Probably from a wish not to give too much detail to a period exhaustively treated by Colonel Walton, he has run rather quickly through the facts of the establishment of Charles II. He might have spared us the usual remarks about the Stuart selling himself to France, and said more about the earliest regiments, the apparent readiness of the old soldiers of the New Model to re-enlist for permanent service at Tangier or for an emergency, as in 1667, the troops available to oppose Monmouth, and so on. An excellent plan would have been to enlarge the table in Appendix A, grouping the regiments according to the periods when they were raised. Further details of the composite army which William brought to Torbay would have been acceptable. There is a great deal of material in

Mr. Dalton's books which has not been utilised, which is to be regretted, as these books are not usually found in ordinary libraries. As we have already had so good a chapter on Gustavus, it is a pity that there is not one like it dealing with the rise of France as a great military power and with the work of Louvois. Mr. Fortescue has probably done right in omitting to give any detailed account of Sedgemoor and the Irish wars, and on the other hand has given considerable attention to Steenkirk and Landen. He has had a particularly happy thought in preparing his battle plans, marking the position of the British in red and the allies in black, which forces the most casual reader to understand how small a portion of the allied armies was British. The superstition that 'we' always beat the French is extremely difficult to eradicate. His treatment of the campaigns is as good as that of the battles. When he comes to Marlborough, probably only those who have worked laboriously through Coxe and Alison can adequately appreciate the excellence of the work. Marlborough's wonderful forethought, the equipment of the men, the shock tactics of the cavalry, and the fire discipline of the infantry are all well illustrated. The campaigns preceding Ramillies and coming after Malplaquet merit special mention. It may be suggested that the battle plans are prepared rather too carefully and with too much detail, so that any one who is not acquainted with the ground is liable to be puzzled. It is much better to emphasise only the important slopes and hollows. Thus the commanding but gently sloping ground held by the French right centre at Ramillies ought to have been presented more clearly. At Oudenarde the central part of the field is practically flat, while the outer ring of heights is strongly pronounced; it would be difficult to appreciate from the map how strong a position the allied right occupied, being able to press in fatally on the flank of the French and effectually preventing Vendôme from sending in his supports. As regards details of the battles it is noticeable that Mr. Fortescue assigns all the British regiments to the extreme right at Ramillies and considers that they did not come into action at all; Colonel Everard, in his history of the 29th (Worcestershire), claims that that battalion joined in the assault on the village, and presumably the whole of the brigade also. Lastly, to complete the period, Mr. Fortescue should have explained rather than blamed the storm of opposition which rose up against both William and Marlborough, due as it was not only to money troubles, but also to a sort of undefined dread of the advent of a new Cromwell, as Sir J. R. Seeley puts it. On the question of the Brest treachery it would have been better to suspend judgment, unless one has enough strength of mind to reject Macaulay's invectives altogether and accept Colonel Parnell's proofs.

The second volume seems at first sight to be taken up with a too familiar story. We do not learn much more than Mr. Parkman has already told us about Canada, or Colonel Malleon about India. Yet Mr. Fortescue has really shown good judgment. He has combined the campaigns in America and India with the Fifteen and the Forty-five, the expeditions to the West Indies, the wars in Flanders and Germany, so that we have a balanced account of the whole of a great struggle. An examination of the treaty of Aix-la-Chapelle will make this clear. Mr.

Parkman implies that the English ought not to have surrendered Louisbourg, receiving in exchange so useless a port as Madras; Colonel Malleson puts it that the French were bent upon surrendering Madras as an equivalent for Louisbourg. Neither can see that the wars in America and India were acts in one large drama. Mr. Fortescue, by repeating the well-known stories in the same volume which tells of Fontenoy and Minden, shows us the truth of the saying that the empire was won on European battle-fields. Moreover he depicts Ligonier as well as Cumberland, Amherst and Forde as well as Wolfe and Clive, Lauffeld and Warburg as well as Fontenoy and Minden. He treats of Cumberland very sensibly, for a general who could restore the tone of the English soldiers, demoralised as they undoubtedly were by the Highland rush, was worthy of something better than the name of 'the Butcher.' Cumberland's position as a tactician also brings home to us the question of the adaptability of the English. The great struggle necessitated military reforms in every part of the world, and slowly under the painful pressure of defeats the English made the reforms. Nothing more clearly justifies Mr. Fortescue's method than this consideration, that in Scotland, Germany, America, India, our generals had to adapt themselves to meet special needs, and therefore each part of the war has to be detailed at length. On one point he is quite firm. The English tacticians learnt very little from Frederick the Great. The iron ramrod had been already introduced into our armies; the fire by platoons at Fontenoy was a recurrence to the methods of Marlborough and not a new idea learnt from Prussia, and so also was the shock action of our cavalry. The new use of the bayonet to stab at the Highlanders' unshielded sides, the 'new exercises' which avenged Braddock's defeat by teaching the English how to skirmish in the backwoods, the training of sepoy in imitation of the methods of Dupleix, were characteristic of the period and were not Prussian. This volume proves almost better than the first that Mr. Fortescue possesses the gift of proportion.

J. E. MORRIS.

Geschichte des deutschen Volkes vom dreizehnten Jahrhundert bis zum Ausgang des Mittelalters. Von EMIL MICHAEL, S.J., ordentlichem Professor der Kirchengeschichte an der Universität Innsbruck. Zweiter Band. (Freiburg im Breisgau: Herder'sche Verlagshandlung, 1899.)

IN this second volume Dr. Michael completes, upon another side, his survey of the great thirteenth century; and it is specially interesting, as he deals with many ecclesiastical points upon which a great deal has yet to be said. Some critics of his method have, we believe, found fault with his abundance of detail and his absence of generalisation. The middle ages have up to now suffered from generalisations; their defence—and Dr. Michael, on the whole, with justice, finds himself in the position of a defender—must rest upon an accurate study of details. Hence, while well-founded generalisations are welcome, accurate study of details is for the present the point to be aimed at. This volume treats in its first three parts of the secular clergy, dioceses, canons, chapters, priestly life—

specially important being the account of the chapters whose virtues and defects alike were so influential—the monastic orders and the friars; preaching—in a chapter to itself—of which more afterwards. The fourth part deals with faith and life—charitable institutions and so forth—and treats at length of SS. Elizabeth and Hedwig; much information is also brought together upon outbreaks of violence, plundering of monasteries, the children's crusade, and the Flagellants (whose heretical tendencies in Germany are pointed out). The fifth part is on heresies—the Cathari and Waldenses (Maitland's book on the Waldenses, although old-fashioned, is, by the way, too often overlooked, as it is here)—and an account of the Inquisition follows, after the anti-social and politically dangerous character of medieval heresy has been noted; although dealing specially with Germany the chapter is useful for other fields of study. The sixth and last part deals with education, with numerous details on chapter schools, which in many cases paved the way for the later schools of the Brethren of the Common Lot. Much local information and detail is gathered into this chapter, which is full of information. It need hardly be said that almost throughout the vulgar opinions about the middle ages are tacitly shown to be untrue; the educational arrangements of the age were after all not far behind its political and constitutional achievements. The chapters on preaching and education are in particular illustrations of this, and the richness of detail is worth presenting for this purpose only; we have noticed as specially useful for reference a note on p. 113 on sermons in German, and a section beginning on p. 144 on Berthold of Regensburg. A great many errors that are only too common are disposed of by the simple amassing of facts and details. If the middle ages are to be, and above all if the medieval church is to be, fairly estimated, such a careful study of facts must precede generalisation. This is indisputably the usefulness of the work discussed. This volume does not cover such a wide field as did the first, but the subjects it treats of, if less varied, are more significant, and the volume is on the whole, therefore, more important than its predecessor; it shares its merits and follows its plan.

J. P. WHITNEY.

Die finanziellen Beziehungen der florentinischen Bankiers zur Kirche von 1285 bis 1304. Von GEORG SCHNEIDER. (Schmoller's 'Staats- und socialwissenschaftliche Forschungen,' XVII.) (Leipzig: Verlag von Duncker & Humblot. 1899.)

MR. SCHNEIDER'S title hardly shows the full extent of the work he has done, as his researches cover several pontificates before 1285. The date is chosen as the nominal starting point owing to the incompleteness of the printed *regesta* for earlier years, which naturally puts a student working outside the Vatican archives at a serious disadvantage. This is a distinct misfortune; for, though the author's general conclusions may be accepted, a great part of the work will have to be done a second time, and perhaps the whole recast, when we possess the full materials. Gottlob's 'Päpstliche Kreuzzugssteuern des 13. Jahrhunderts' and other authorities, however, have been used to make good some of the deficiencies. We are sorry to see no references to Mr. Bliss's 'Calendars of Entries in the Papal Registers.' The author lays just stress on the fact that

international banking derived its strongest impulse from the church, whose revenues in Peter's pence and the *census* were collected in distant countries, in a currency often depreciated (see pp. 32, 33), and sometimes even in kind. The local branches of Italian banks, after satisfying the papal representative¹ of the exact amount collected, and the sum that would be payable in Rome, were able to remunerate themselves by using the money in their hands in ordinary local business. They seem, moreover, to have charged the church for their trouble and expenses sums of whose amount we know surprisingly little. Probably research at the Vatican would disclose the accounts of the receivers, but in the meanwhile Mr. Schneider has found (p. 37) only two instances in which these sums are stated, one being about 12½ per cent. and the other 25 per cent. on the amount paid over in Rome. It cannot be doubted that the loans granted to popes and to the college of cardinals were, spite of the church's thunders against usury, very profitable to the bankers; but our author has done well in pointing out that, in addition to this business (inevitable to any government, and already fairly well known), the houses favoured by the popes had a considerable outlet for their capital in the loans, made under an elaborate system of official supervision, to ecclesiastics visiting the Roman court (see ch. v.) The firstfruits due to the pope were often advanced by the accredited bankers of the holy see, and charged by the borrower on his benefice and even on his successors, to be paid *cum iustis et moderatis expensis ac debita restauratione dampnorum et interesse, usuris omnino cessantibus*, under penalty of excommunication and deprivation.

The distribution of the papal banking business is, however, the most important matter with which Mr. Schneider deals. While bankers of other cities, such as Siena, Pistoia, and Lucca, were employed in many important matters, the hegemony was in the hands of Florentines. The papal ambition to have a preponderating influence in Florence, with a view to the ultimate absorption of the republic in the papal dominions, led to curious changes in the *personnel* of the *mercatores camerae apostolicae*.² Now Guelfs, now Ghibellines—now Whites, now Blacks—were preferred, as their mercantile or financial influence in their city was likely to further the papal designs. The topography of Florence, and the situations of the houses of the great bankers, and (in some cases, e.g. p. 17) their connexions with the Colonnas and other noble families in Rome, are used to illustrate the author's theme. His detailed arguments cannot be reproduced here, but their ingenuity and general soundness merit high praise.

ROBERT JOWITT WHITWELL.

The History of Edward the Third. By JAMES MACKINNON, Ph.D.
(London: Longmans. 1900.)

THIS book shows ample evidence of painstaking and long-continued study of the very abundant contemporary sources for the history of

¹ Cf. e.g. Theiner, *Vet. Mon. Hib. et Scot.* p. 108.

² A careful study of the letter cited on p. 62, as to a supposed division of the 'mercatores camerae' into two classes, with the later letters *in pari materia*, will hardly support the deductions the author makes from it.

England, Scotland, and France during the reign of Edward III. Such work can never be done altogether in vain, and it is impossible to deny a certain amount of usefulness to the result of Dr. Mackinnon's labours. But it is hard to give it much warmer praise than that which the author hopes to have won as being a 'conscientious study of the materials.' Dr. Mackinnon hardly seems sufficiently well grounded in the fundamentals of medieval history to make it safe for him to write a book on this scale. And the self-imposed limitation of his studies 'to the investigation of contemporary evidence' would only be allowable if his work showed him strong enough to dispense with the help of those scholars who have in recent times worked over his ground. As it is, our author has not altogether rejected modern aid, as when, for instance, he quotes a fragment of the 'Speculum Regis Edwardi' from a note in Stubbs's 'Constitutional History,' in apparent ignorance of the publication of that work in full by M. Moisant. It is a little vexing to find how often Dr. Mackinnon claims to be a pioneer in work that is already half done. He talks grandly of the way in which he has 'departed considerably from the conventional descriptions of previous historians' in writing his account of the battle of Poitiers. If he means those writers who have simply copied Froissart, we quite agree with him. But had he carefully considered Sir E. M. Thompson's notes to his edition of Geoffrey le Baker, or had he thought fit to read what Mr. Oman has written on the subject in his 'Art of War,' he would have avoided several errors and misconceptions in his own narrative. And it is injudicious for a writer to talk of his 'critical comparison' of annalists and documents when he thinks that 'the publications of the Record Commission leave nothing to be desired,' and shows such carelessness about names as to write of 'Rhymer's' 'Foedera' and call Corunna 'Corogne in Galicia,' and Cahors 'Caour.' It is a little difficult to see why an author who has worked so hard should make such careless slips, especially as in bigger matters he generally follows his authorities with reasonable precision. But even when his narrative is accurate in details the focus often needs adjustment or the setting proves inadequate. And often sheer ignorance of important sources or imperfect appreciation of the relations of his authorities has led Dr. Mackinnon astray. The greater part of the book is simple narrative, and the occasional generalisations tell us little that is both new and true. The style, though not wanting in animation at its best, is disfigured by occasional purple patches in which terrible attempts at Carlylese stand side by side with the most slipshod vernacular or the most intolerable slang. We feel very sorry that Dr. Mackinnon's honest labour on this reign has not borne better fruit, but it is quite impossible to accept it as an adequate and scholarly history of Edward III.

T. F. Tout.

Calendar of the Close Rolls preserved in the Public Record Office.
Edward III, A.D. 1333-1337. (London: Printed for Her Majesty's Stationery Office. 1898.)

DOCUMENTS entered upon the Close Rolls cannot in the nature of the case be expected to throw so much direct light upon the political history of the time they cover as those made Patent. A majority of the enrol-

ments in this volume will not much help the historian of Edward III's reign, and of the rest the cream has been extracted by Rymer. But there remain a large number of documents relating to the Scottish wars of these years, from which a very clear idea may be gained of the strain they involved upon Edward's commissariat and financial resources. He finds it 'necessary to pour out infinite sums of money,' and is already getting into debt with the unlucky Florentine 'Societies' of the Bardi and Peruzzi. Some details may be gathered as to the composition of these banking associations. William de la Pole, mayor of his native Hull in 1333, lays the foundations of the fortunes of the house of Suffolk by his services in provisioning the English armies in Scotland. A curious side-light upon the state of the country is afforded by the fact that the king was obliged to give his subjects serving with him in Scotland protection against law-suits instituted against them during their absence, 'chiefly because the king's lieges for that cause depart from the king . . . the king being often left in the midst of his enemies, not without grave danger of his person' (p. 725). If these rolls add nothing striking to our knowledge of the political history of the time, there are few documents upon them which will not yield something to the student of the medieval state of things in England. A large proportion of them are addressed to the king's escheators and illustrate the working of the feudal land law. Assignments of dower and the like incidentally supply valuable details as to field names or the topography of a town like Coventry. An interesting series of entries relate to the exemption of the military orders and certain monastic houses from royal custody of their temporalities during a vacancy in abbacy or priorate, the king's rights being formally reserved by placing a man in possession of the great gate of the abbey or priory. This privilege, it appears, had been extended to the bishopric of Bangor.

Mr. A. B. Hinds, who is responsible for both the text and the index, has done his work with great skill and care, and there is surprisingly little that calls for criticism considering the great mass of details dealt with. The translation of *villa* by town sometimes leads to ambiguity (pp. 156, 251), as does also the expression 'the mayors and university of the towns of Bordeaux and St. Macaire' (p. 418.) *Universitas* would be better turned here by 'community.' It was the Count of Namur, not the Count of Nemours (pp. 520, 827), who assisted Edward in his Scottish wars, and it is not noted (as in other cases) that his safe-conduct is printed in the 'Foedera' (iv. 58). The identification of place-names in the index deserves commendation, but there are one or two points that call for correction. Names of places in France are rightly identified by the modern department, but in the case of St. Macaire the old province is given, and in that of St. Sever neither (p. 847.) Baynard Castle was in Middlesex, not Essex (p. 750). Blaenllyfni (the modern form not given in the index) is in Breconshire, not in Herefordshire. Connaught, by a slip, is called a county (p. 772).

JAMES TAIT.

Grace Book A, containing the Proctors' Accounts and other Records of the University of Cambridge for the Years 1454-1488. Edited for the Cambridge Antiquarian Society (Luard Memorial Series, I.) by STANLEY M. LEATHES, M.A., Fellow and Lecturer of Trinity College, Cambridge. (Cambridge: Deighton, Bell, & Co.; Macmillan & Bowes. 1897.)

THIS is an extremely valuable collection of documents, thoroughly well edited. The 'Grace Book' is published *in extenso*—a far preferable plan to the method of indexing adopted in publishing the Oxford Registers by the Oxford Historical Society. The only point that calls for criticism in Mr. Leathes's interesting introduction is the improbable suggestion that the word *communa* was originally applied to the society, whether college or hostel, to which the student belonged. If that were the case, it is inconceivable that no trace of such a usage should have survived in the tens of thousands of pages of medieval university documents which have come down to us. But the editor may be congratulated on an original suggestion for the explanation of the puzzling distinction (peculiar to Oxford and Cambridge) between 'determining for oneself' and 'determining for others.'

It should be noted that those who determine for others are to be of higher standing than those who determine for themselves. It may, therefore, be suggested that determining for others is the full bachelor's share of the disputation *in quadragesima: determinatio pro se* is the ordinary exercise of determination as observed by commencing bachelors only. In the latter case the questions to be solved are those that the determiner has propounded for himself; in the other case they are propounded independently, and the student is not forewarned of the questions he will have to determine.

This would fit in well enough with the Oxford statute which requires determiners for others to have read more books than determiners for themselves. I had previously been disposed to look for an explanation in another direction. We read in the Oxford registers (cf. my 'Universities of Europe in the Middle Ages,' i. 445) *quod possit . . . pro aliis determinare ita quod possit acceptare sub se tot inceptores quot sibi placuerit*, which is further explained by the expression *accipere sub se certum numerum ipsorum qui tenentur ex statuto dare liberatam et conuiuare regentes*. It was natural to assume that 'determining for others' and 'taking inceptors under one' were the same thing. If Mr. Leathes is right, the determining for others has nothing to do with the practice of rich men paying the expenses of some of their fellow inceptors; it was only *some* of those who had arrived at the stage of their career when they would naturally 'determine' for others who were allowed this special privilege. This is quite possible, and I feel strongly inclined to adopt Mr. Leathes's suggestion, but the question is still not free from difficulty.

H. RASHDALL.

Desiderius Erasmus of Rotterdam. By EPHRAIM EMERTON, Ph.D., Winn Professor of Ecclesiastical History in Harvard University. (New York: G. P. Putnam's Sons. 1899.)

THIS is not intended to be a complete biography of Erasmus, although the subject has necessarily been treated in a biographical manner. Mr.

Emerton tells the story of Erasmus's life from his earliest years, showing him forth as one of the apostles of reform and omitting nothing material from his picture. He displays great insight in reading between the lines of Erasmus's correspondence, though his translations are by no means to be relied on; his epitomes of Erasmus's writings are excellent, especially that of the 'Praise of Folly,' in which the gradual development of Folly is lucidly traced; his estimates of the conditions and circumstances in which Erasmus from time to time found himself are instructive and interesting; he has availed himself of the fruits of recent research to throw new light on many of the accepted accounts of Erasmus's doings; and he has illustrated his work with a number of admirable reproductions of famous portraits and pictures. And yet the book is disappointing. Apart from minor inaccuracies Mr. Emerton judges Erasmus too much from the point of view of Luther, and he seems unable to forgive his 'hero' for not taking side with the Lutheran party against Rome. Consequently, instead of making a sympathetic attempt to enter into Erasmus's position, and to view his life and work as it seemed to Erasmus himself, Mr. Emerton has insisted so strongly on what the Lutherans thought of Erasmus that we seem to be reading almost an indictment of the great humanist. Three courses of action, we are told in the introduction, were open to Erasmus at the time of the crisis—to keep silence, to join the reformers, or to denounce reform in close alliance with Rome, while trying to moderate Roman abuse. Yet the course that Erasmus actually chose, to hold to the good in both sides, trying to retain his influence with both, was surely quite natural and justifiable for a would-be reformer, who saw a movement in which he had laboured, so far with remarkable success, endangered by the action of men who were trying to take the reins into their own hands. Of course Erasmus sympathised with reform; the Lutherans might well know it, since he had been raising his voice for it clearly and bravely all his life. But he knew the magnitude of the interests at stake, and feared, with good reason, to encourage the settlement of such questions by the forces of ignorance and passion; and with conservative and not over-practical instincts he hoped sanguinely for reform without parting with the old institutions. To such a temperament it was natural to hope for the rapid dawn of a new era with the advent of enlightened men to power in church and state. Mr. Emerton seems to regard the course of the Reformation as necessarily approved, inasmuch as it was irresistible and actually happened. Erasmus thought, as others have thought since his day, that the disease might be healed by gentler means.

This bias runs through the greater part of the book. Mr. Emerton is always 'getting his knife into' Erasmus and giving an unfavourable interpretation to his words and actions, especially in the versions of the letters. When Erasmus disclaims the authorship of Luther's works we are told, quite gratuitously, that his vanity is secretly delighted at their being attributed to him; when Erasmus writes a hopeful letter of congratulation he is only trying to curry favour for himself; when he declines a lucrative offer he is shirking any ties that will prevent the stone from rolling. It is hard for any man to have rigid consistency

required of him in the utterances of his private correspondence, even when that was so highly wrought as was Erasmus's, and when publication is in view; and it is more than unjust to pillory side by side inconsistent expressions on trivial subjects separated by nearly twenty years. There are plenty of littlenesses in Erasmus's life for any one who cares to glean them, and no biographer can pass them over in silence; but they need not be dragged out into too bright a light until they obscure his excellences and his great services to the cause of reform. The earnest conviction of Erasmus's moral writings merits the highest praise; and the immense fruits of his scholarship show how well he had learnt the lesson of painful labour. On these the attention of the reader should be fixed by the biographer who wishes to show what Erasmus did for the Reformation. Had Erasmus's life been such as Mr. Emerton represents it, he must, with his keen wit, have realised the grave contrast between his precept and his practice. Indeed Mr. Emerton himself seems at times, and especially in his concluding sentences, to be conscious that he has shown in his picture less sympathy than he intended. P. S. ALLEN.

Pietro Carnesecchi e il Movimento Valdesiano. Da ANTONIO AGOSTINI. (Firenze: Bernardo Seeber. 1899.)

M. Antonio Flaminio. Studio di ERCOLE CUCCOLI. (Bologna: Nicola Zanichelli. 1897.)

THE history of the Italian reformers, from Savonarola downwards, is always unsatisfactory. Italy remained almost untouched by the fierce upheaval which tore northern Europe asunder. Disillusionment with the papacy and the medieval religious system had come to her long since, and left her not protestant, but indifferent. The possession of the papacy gave her a prestige to which politically she could not attain, and she found its attendant institutions financially profitable. She desired nothing beyond the practical, necessary measures of the counter-Reformation to clear away the more obvious and inconvenient abuses of the old system. Hence the movement towards doctrinal reform hardly spread beyond a few of the more sensitive, scrupulous, and intellectual minds, and failed utterly to lead the popular intelligence. It was a revolt against the extreme materialism and individualism of the age, and took a form more or less mystic and medieval, and completely out of sympathy with its environment. It was chiefly concerned with theological niceties in the definition of the doctrine of justification by faith, a deep question for whose discussion there was boundless enthusiasm in Germany, but about which the practical, untheological Italian mind refused to trouble itself.

Pietro Carnesecchi and M. Antonio Flaminio were both deeply involved in the movement. Both were disciples of Valdes, at whose Neapolitan villa on the Chiaia they imbibed his views on justification. Both were on terms of close intimacy and sympathy with the reforming cardinals, Morone and Reginald Pole, and with Vittoria Colonna. Flaminio, like Pole, however, stopped short of definite heresy. He held the doctrine of justification by faith, but did not admit the Lutheran deductions therefrom. He clung to the full Roman teaching on the Eucharist, confession, and purgatory, and was strongly opposed to any

sort of schism. 'Let us not,' he wrote to Carnesecchi, 'be induced by any reason whatever to separate ourselves from the unity of the Catholic church.' Flaminio was offered a bishopric, and died, professing with his last breath his devotion to the church, 'in the arms of' that most fierce of all orthodox cardinals Caraffa. Carnesecchi went much further. Though discouraging schism and maintaining the necessity of 'good works,' but as a sign of, not as a means to, salvation, he held the Lutheran doctrine of the sacraments, and wished to destroy the power of the papacy. For some years he lived in safety at Venice; and when, after the definition of doctrine by the Council of Trent, the Inquisition became more active, and Carnesecchi was summoned to appear before it at Rome, he ventured to obey, and managed to escape condemnation through the influence of the duke of Florence, Cosimo I, of whose family the Carnesecchi had always been strong political supporters. On the accession of Caraffa, Paul IV, to the papacy, he was again summoned, and, fearing to appear, was condemned in absence as a contumacious heretic. Pius IV, Giovan' Angelo Medici, had the sentence reversed and Carnesecchi declared innocent. But he was not ultimately to escape. Cardinal Alessandrino, who, as a member of the Inquisition, had formerly judged him guilty, was the next pope (Pius V), and by holding out to Cosimo the bait of the grand-ducal title persuaded him to give up his *protégé* into the clutches of the Inquisition. Carnesecchi refused to throw himself upon the mercy of the court; he attempted to justify himself and to defend his opinions, and, in spite of torture, refused to incriminate his friends. He was condemned as an obstinate heretic, and on 1 Oct. 1567 was beheaded on Ponte S. Angelo, and his body afterwards burned.

Signor Agostini's book gives a thoughtful and well-arranged account of Carnesecchi's life and opinions, and shows a careful study of the authorities for the subject and a clear insight into the conditions and tendencies of the age. Signor Cuccoli treats Flaminio's religious opinions rather incidentally, his main object being to recommend his hero's Latin poetry in particular and the Latin poetry of the Renaissance in general. What he does say of Flaminio's views is also rather of the nature of a piece of special pleading, written from the point of view of a devout Roman catholic, who wishes to prove that Flaminio was strictly orthodox and no heretic after all.

K. DOROTHEA VERNON.

Acts of the Privy Council. New Series. Vols. XIII.-XIX. (1581-1590.)

Edited by J. R. DASENT, C.B. (London: H.M. Stationery Office. 1896-9.)

THE seven volumes of this series which have appeared since it was last noticed in this Review extend from 29 March 1581 to 30 Sept. 1590, though the date of the last entry is misprinted 1570. They do not, however, cover the whole of that period, for the register from 26 June 1582 to 19 Feb. 1585-6 is missing from the privy council records at Whitehall, and Mr. Dasent has not been able, as he was on a former occasion, to supply its place by a transcript from the British Museum or elsewhere. It is possible that the original or a copy of this portion of the Register is

extant in private hands, for in the 'Egerton Papers,' edited by Payne Collier for the Camden Society, there are printed three extracts from the council's proceedings which are fairly accurate copies of the Register as printed by Mr. Dasent; these extracts are dated 26 July 1580, 7 May 1581, and 31 August 1581, and it seems not improbable that the manuscript volume, from which Collier made these excerpts, extends beyond 26 June 1582, the date at which the Whitehall register fails. This *lacuna*, however, is not the most important portion of the missing council records; in the pages of this register constant reference is made for further particulars to memoranda, minutes, &c., 'in the council chest,' where apparently were deposited detailed reports of cases which came before the council, instructions to diplomatic, military, and commercial agents, and other valuable documents. These contents of the council chest have entirely disappeared; they are said to have been last heard of at the beginning of the eighteenth century, when they were in a private house in St. Martin's Lane, and all efforts to trace their subsequent history have been baffled. Possibly, however, these archives of the council would have thrown little more light on the general political history than the register here printed, for the discussions and decisions of Elizabeth's council were no more committed to writing than are those of the cabinet to-day, because, if for no other reason, the records were kept by clerks who were not initiated into state secrets until or unless they attained the dignity of being privy councillors themselves.

Hence these volumes will be searched in vain for fresh light on Elizabeth's tortuous diplomacy, or for new materials for determining the nature, variations, and extent of the influence of her different advisers. Differences in the council are never allowed to intrude upon its register; foreign wars appear only in details about furnishing ships, men, and money for service abroad, and diplomatic relations are referred to only in notices of the absence of this or that councillor or clerk from his duties at home. There is a like poverty of details respecting the economic, social, and biographical history of the period, though these pages are not, of course, entirely devoid of interest for specialists in each of those branches. There are, for instance, several notices of the inclosure movement (xiii. 36, 349, xiv. 305, 356, 358, &c.); there are many references to the drama, chiefly prohibitions of dramatic performances during the prevalence of the plague and on 'the Sabbath day' (xiii. 270, 404-5, xiv. 20, xv. 70, 425, xvii. 90, 109, 115, xviii. 214-5), and there is an early mention of 'football' (xiii. 443-4). Some light is thrown on the council's attitude to parliamentary elections (xiv. 227, 241) and on its ecclesiastical jurisdiction (xv. 196, 275-6, xvii. 58, 369), which it was in no mood to relinquish, though Archbishop Whitgift was the only ecclesiastic who had a seat in it during these years. In 1581 it declared a certain treatise 'De Vera Fide' to 'contain no sound doctrine,' and reprimanded the bishop of London for so far 'overreaching' himself as to recommend its use by all schoolmasters in his diocese (xiii. 156); in 1588 it regarded 'copes and vestments' as savouring of 'popery' and ordered the incarceration of the man in whose house they were found (xvi. 214), and in 1590 it required the archbishops to collect contributions for the relief of 'zealous men' at Geneva 'that had done good service in advancing the glory of God and the

preaching of the Gospel' (xviii. 304). There are references, interesting from a biographical point of view, to Francis Bacon (xvi. 295, 417), the *Sieur du Bartas* (xv. 75), Holinshed (xiv. *passim*), George Puttenham and his unending litigation with his second wife (xiii. 203), Florio, Barnaby Rich, and many others. Even then it was difficult to improvise sufficiently distinctive designations for the numerous bearers of the name of Smith, but it comes as a shock to the reader of these severely official pages to find the council reduced to describing a physician of the clan as 'Dr. Smith with the red head' (xvii. 159). The references to well-known pedagogues, such as Anthony Munday and Richard Mulcaster, are due to the impecuniosity and Romanism prevalent among Elizabethan schoolmasters; one, Christopher Ocland, sought relief from his poverty by pointing out to the council the evil effects of the study of Ovid on the juvenile mind, and by representing how much better it would be for their morals and their patriotism if they studied instead his own 'De Proeliis Anglorum,' a sort of sixteenth-century 'Deeds that Won the Empire.' The council took Ocland's view and ordered the 'commissioners for causes ecclesiastical' to 'write their letters unto all the bishops through the realm to give commandment that in all the grammar and free schools within their several dioceses' Ocland should supplant Ovid. Ovid, however, appears to have held his own, and in spite of this magnificent advertisement Ocland was soon in sorer straits than ever. But these purple patches of interest are few, and for the most part the proceedings of the privy council relate to people of personal insignificance and matters of trivial importance, and its activity, as recorded in these volumes, seems to have been expended mainly on details of transport and commissariat, on the recovery of petty debts, and on providing for the safe keeping of recusants.

And yet it is no paradox to say that this 'Register' is invaluable to those students of Tudor history who are content to dispense with short cuts to knowledge, and to read and re-read these volumes for the sake of the light they throw upon Tudor government. The privy council was the pivot of Tudor administration, and though the records of its everyday working may not provide sensational reading it is only by its everyday working that an institution can be judged. The efficacy and stability of a government do not depend upon its relations with eminent men, but upon its treatment of the millions upon whose lives the most minute biographical research can throw no ray of light. The path of great men under Tudor despotism was not smooth, but the ordinary citizen was never governed with a more enlightened insight into his real needs and interests. Thus he was always on the side of the government, and regarded with comparative indifference the fall of Wolsey and of Cromwell, the proscription of the Poles and of the Howards, and the harrying of monks under Henry and of protestants under Mary. Of this phenomenon the privy council register provides a partial explanation; it is obvious from the infinite pains the council takes to do the right thing even in the most trivial cases that the government of the Tudors was in the main an honest one. They wielded their extensive prerogative in the legitimate interests of good administration and not with the ulterior object of enforcing any theory of divine right, and practised what sovereigns in the eighteenth century wrote and talked

about, a paternal despotism. Magna Charta had not been discovered and the Star Chamber was a popular institution; there was no need to thrust its jurisdiction upon an unwilling people, and its main difficulty lay in the number of suitors attracted to a court where the law's delays and counsel's fees were minimised and where justice was rarely denied merely because it might happen to be illegal.

The incidental references to the Star Chamber scattered throughout these pages are, indeed, invaluable side-lights, though it cannot be said that they entirely disperse the mists enveloping the constitution, functions, and procedure of that much-abused but admirable court. It is, of course, obvious that the court of Star Chamber was not a committee of the privy council, but the whole council sitting in the Star Chamber at certain times for certain purposes. The days on which the council transacted what it called 'Star Chamber business' were known as 'Star Chamber days' and occurred only in term time (xiii. 283, 292, 295, 411-2), not, apparently, to suit the convenience of legal assessors, of whom there is no trace in this register (cf. xviii. 18, 183, 195), nor that of the litigants' counsel, but because the council could only transact Star Chamber business in the Star Chamber at Whitehall, and this it was debarred from doing when the court removed, as it generally did in vacation, to Hampton Court, Windsor, Oatlands, or some other royal palace. The definition of 'Star Chamber business' is, however, no easy matter, and the dividing line between the ordinary and Star Chamber jurisdiction of the council is so blurred and indistinct that it was possible for the same case to be heard partly 'at the council board' and partly in the Star Chamber (xviii. 110). A further element of confusion is introduced by the fact that though the council never transacted 'Star Chamber business' elsewhere than in the Star Chamber it often transacted ordinary business in the Star Chamber (xviii. 187).

We have no space to dwell upon other points of interest relating to the council, the significance of its restricted numbers, five being the average attendance for many years; the exclusion of the old nobility; the council's disputes with common law judges (xvi. 48); and its interference with juries (xiii. 256, 271) and parliamentary elections (xiv. 227, 241). We can only add that Mr. Dament's editing is done with great care, and his prefaces give a very good idea of the contents of the volume; perhaps they are needlessly elaborate, except from the point of view of critics who depend entirely upon prefaces for their reviews of books; and a more sparing use of relatives and a few more full stops would be an improvement. In several volumes 'Bienerhasset' is misprinted 'Bleverhasset'; 'Lady Tame' in the indexes to vols. xv. and xviii. somewhat effectually conceals the identity of Lady Williams of Thame, and the Barons Willoughby might have been distinguished more exactly, especially as in the indexes to the Calendars of State Papers and of the Hatfield Manuscripts the well-known military commander Peregrine Bertie, Baron Willoughby de Eresby, is confused with his insignificant cousin Charles Willoughby, Baron Willoughby of Parham. Nor would it have been difficult to ascertain more precisely the dates of death of the privy councillors mentioned in vol. xix. pp. xxxiii-xxxiv, while the statement that Sir John Wolley first appears in vol. xv. (p. vii) is

inconsistent with the references to him in vol. xiv. In vol. xiii. p. xvii 1651 is printed for 1681, and we doubt Waad's two initials W. J. (xvii, 150, 183). There are indeed several instances of double christian names in these volumes, but we can find no better authority for Waad's second initial than the extraordinary flourish he always gave to his first.

A. F. POLLARD.

Cromwell's Soldier's Catechism. With a Short Preface by its Possessor, the Rev. WALTER BEGBIE. (London: Eliot Stock. 1900.)

THE proper title of this little reprint is 'The Souldiers Catechisme : composed for the use of the Parliaments Army.' As in the case of 'The Souldiers Pocket Bible,' republished in 1895, Cromwell had nothing to do with its publication, and the title is, so far, a misnomer.¹ Both of these books were private speculations on the part of the authors, not official compilations issued by the authorities of the army. The catechism is curious and rare, and deserved reprinting. The preface is rambling and of little value. Mr. Begbie states that 'the author of this little book is unknown.' However it was the work of Robert Ram, minister of Spalding, of whom some particulars are to be found in Kingston's 'Civil War in East Anglia,' p. 103. In the preface to a later edition he says, 'This short catechism hath found better acceptance than the author expected, having already passed the third edition, and I am now desired to publish it once again and to put my name to it; which I am the more willing to do because few of them are come to my lord of Manchester's army, for whom it was principally intended.' This fourth edition appears to have been published in 1645. A royalist divine, Thomas Swadlin, republished it in that year with considerable alterations. He copied the title-page and preface of Ram's catechism and reprinted the questions, adding answers attacking Ram's principles and the parliamentary cause. Swadlin appended a dedication to Sir John Heydon, dated 11 June 1645. A copy of this curious reply to Ram's work is in the Bodleian Library.

C. H. FIRTH.

Burnet's 'History of My Own Time.' Reign of Charles II. Vol. II. Edited by OSMUND AIRY. (Oxford: the Clarendon Press. 1900.)

MR. AIRY'S edition of Burnet's book supersedes all earlier editions, and will remain an authority of permanent value for that portion of seventeenth-century history. He has judiciously preserved the valuable notes of Dartmouth and Onslow, which embody so much contemporary information and criticism, and retained those of Swift's caustic comments which deserved retention. Dr. Routh's notes have been treated with considerable freedom, for in many cases recent investigation and the publication of new evidence had rendered them quite obsolete, and in many other cases they were both verbose and off the point. Thus, without unduly swelling the bulk of the book, Mr. Airy has found room for new notes wherever they were necessary. Since 1838—the date of the last standard edition of Burnet—a mass of new material concerning the reign of Charles II has come to light, and all this the editor has

¹ See the ENGLISH HISTORICAL REVIEW, 1895, p. 582.

laboriously sifted in order to test Burnet's statements. From the Hatton and Williamson correspondence, published by the Camden Society, and from similar sources, he has drawn much, but he has made most use of the reports of the Historical Manuscripts Commission, which are specially rich in documents relating to this period. In addition to this the notes contain frequent references to unpublished materials. The Lauderdale and Essex MSS., from which Mr. Airy has edited selections, supply fresh evidence on many points of interest (*e.g.* pp. 19, 23). The causes of Burnet's breach with Lauderdale are elucidated from the Verney MSS. (p. 60.) From the Danby MSS. in the British Museum Mr. Airy extracts a defence of that minister's financial policy which appropriately answers the bishop's strictures in the text (p. 202). The diary of Sir Edward Deering (pp. 202, 204) and the Rawlinson MSS. in the Bodleian Library are also drawn upon (p. 39). Earlier commentators on Burnet, such as Lord Dartmouth and Dr. Routh, devoted themselves rather too exclusively to the task of refuting Burnet; Mr. Airy seems more desirous to confirm Burnet's statements. He succeeds in proving that while Burnet was often very loose in his statements, and somewhat credulous, he was on the whole remarkably well informed about public affairs. Much of the bishop's knowledge about state matters was obtained from the principal actors themselves, and he gives the names of his informants with commendable exactness. 'The king said once to the earl of Essex, as he told me . . .,' 'I had all this from his own mouth,' and similar expressions continually appear in his pages. Sometimes he mentions documents and official records privately communicated to him (pp. 141, 142). Burnet knew everybody, and while he played a busy but subordinate part on the political stage during the reign of Charles II he enjoyed exceptional opportunities for obtaining information. Of one series of events, *viz.* the popish plot, he boldly declares, 'I am so well instructed in all the steps of it that I am more capable to give an account of it than any man I know' (p. 155). In consequence of this special knowledge Burnet's account of the latter part of the reign is one of the most valuable portions of his history. If it is scarcely equal in interest to his account of the Revolution of 1688, it is far superior in value to the earlier part of the book. His account of events before the Restoration embodies a number of interesting traditions and anecdotes, which are curious but not worth very much. His account of the Restoration and what followed it, so far as England is concerned, is less valuable, because his circle of acquaintances was then much smaller and his means of acquiring knowledge of public affairs proportionately less. Sometimes he writes as a close observer of events, and at other times he was merely a distant spectator, and it is always necessary to distinguish and discriminate between the different parts of his history when using it as an authority.

Mr. Airy's notes enable any student to form his own opinion of the value of Burnet's statements, and collect at the same time much illustrative material concerning the matters referred to in the text. He is perhaps a little inclined to accumulate more references and illustrations in his notes than are really necessary, but in that respect this volume is less open to criticism than the last. Any one attempting to write a history of the reign of Charles II will find more help in these notes than any

other book on the period affords. While it is much to be regretted that Mr. Airy does not intend to edit the later part of Burnet it is to be hoped that he may yet find it possible to give us that detailed narrative of the king's reign which his researches have so eminently qualified him to write.

C. H. FIRTH.

Hans Carl von Winterfeldt, ein General Friedrichs des Grossen. Von L. MOLLWO. (München und Leipzig: R. Oldenbourg. 1899.)

THIS monograph is one of the ablest and most interesting contributions to a series of short volumes differing very considerably from one another in value. Though General von Winterfeldt's career was cut short at its most critical period, and while he was still in the full vigour of manhood, he had lived long enough to exercise a personal influence almost without parallel upon the military action of his master, and to be reckoned by that not widely sympathetic spirit among the few whom he called friends. Frederick II's description of him as a *Seelenmensch* is not only in itself untranslatable, but its precise meaning can in the present instance hardly be more than guessed at; it may, however, be taken to imply that thoroughness of trust which is the highest of all orders of merit. The king was not attracted to Winterfeldt by any common literary taste or intellectual interest of any kind outside military affairs; and though he was employed on more than one diplomatic or quasi-diplomatic mission he was not consulted on any political issue proper. With regard to Frederick's military plans, however, his confidence in Winterfeldt was absolute. This is illustrated by the twofold fact that, contrary to what was assumed by his adversaries at Berlin, he supposed the Franco-Prussian alliance to be continuing after the negotiations with Great Britain had already far advanced, and was so little privy to these that at this very moment he asked to be relieved of his functions as adjutant-general; while on the other hand, as is shown in appendix iii. to this biography, he was, so far back as the summer of 1755 at the latest, engaged upon working out an eventual plan of campaign for the invasion of Saxony. And of the great strategic design for assuming the offensive, formed in March 1757, of which the primary success was overwhelmed by the catastrophe of Kolin, Winterfeldt, who gained for it first Schwerin and then, with certain modifications, the king himself, is indisputably to be regarded as the original author. In return he was unpopular in the army, in accordance with an experience not uncommon with 'chiefs of the staff' and other officers raised to an exceptional position by their credit for energy and intelligence. And he was pursued by a bitter and unreasoning hatred on the part of Prince Henry, whose 'Portrait de Winterfeldt' placed on record his antipathy, albeit, when the news of Kolin arrived before Prague, this had not prevented him and Prince Ferdinand from taking counsel with the best officer in the besieging army. With the heir presumptive too, Prince Augustus William, Winterfeldt was on uncomfortable terms, as became painfully apparent during the prince's unfortunate retreat upon Bautzen. From the savage reproaches which Frederick II cast upon those who conducted that retreat Winterfeldt, whose advice had been, during its course, overruled, was practically exempted. It was a curious irony of fate that he soon afterwards lost his

own life in an engagement in which he had committed a tactical mistake; but it was a mistake of temerity.

The chief interest of this biography will be found to lie in its very careful and suggestive examination of Winterfeldt's military services. Special attention should be bestowed upon his organising activity, which reached its height in the leading share taken by him in the mobilisation and distribution of the Prussian troops before the outbreak of the seven years' war. He was a cavalry general by early experience (at Hohenfriedberg, in 1745, he seems to have fought at the head of the hussars) and by personal preference (even in the winter 1756-7 he proposed to take in hand the purchase of horses for the hussar regiments, but had to turn to weightier tasks). He was, moreover, an adept in a species of military diplomacy singularly characteristic of his times—the art of inducing officers in foreign, including the *Austrian*, services to enter into that of the king of Prussia. Attempts of this kind were even made successfully in the midst of war, and, together with some other incidents adverted to in this biography, throw a strange side-light upon the elements of composition of armies which, notwithstanding, it would be rash to set down as mercenary, in days much later than those of the thirty years' war.

At an early point in his career Winterfeldt's connexion by marriage with Field Marshal Münnich, then at the height of his power in Russia as 'prime minister' of the regent Anne, was cleverly utilised by the young king Frederick II; nor can there be any doubt but that his journey to St. Petersburg, with money or money's worth in his hand, contributed materially to avert Russian intervention in the Austrian succession difficulty. As is shown in the first of the appendices to this biography, the assumption of an earlier journey by Winterfeldt to St. Petersburg, at the time of his marriage, is more than doubtful; and the legend connected with it, as to the unjust treatment of his wife by the tsarevna Elizabeth, to whose household she belonged, and his own consequent provocation of the antagonism which was one of the causes of the seven years' war, must be dismissed. The chief diplomatic effort—if it is to be so called—of his later years was his interview with King Augustus III, in September 1756, after the Prussians had invaded his electorate and the Saxon troops had gone into the trap at Pirna. But weak as this unlucky prince was he had spirit enough to refuse a voluntary surrender of his army. When it had after all been forced to take oath to Frederick II, its new lord of war would have done well to follow Winterfeldt's advice, and adopt the precaution of distributing the Saxon soldiery among his existing Prussian regiments. His disregard of a genuine feeling which it would be an anachronism to label as 'local' patriotism avenged itself during his brother's disastrous retreat.

It would carry me too far to discuss the view taken by the author of this monograph on the subject of the responsibility assignable to Frederick the Great for the outbreak of the seven years' war. This view is sufficiently indicated by the dedication to Max Lehmann; but the position taken up by the writer as to the question of Frederick's ultimate intentions with regard to Saxony might have been stated more decisively, or at least without a mingling of hesitation and heroics at the critical point.

A. W. WARD.

La Mission Secrète de Mirabeau à Berlin (1786-1787). D'après les documents originaux des Archives des Affaires Etrangères. Avec Introduction et Notes. Par HENRI WELSCHINGER. (Paris : Plon, Nourrit & C^{ie}. 1900.)

MIRABEAU was so systematic a plagiarist that he frequently appropriated the thoughts and even the words of others in his most private correspondence; it is only in the letters from Berlin that both form and matter are wholly his own. In reading them we feel that his pen as it flew over the paper could scarcely keep pace with the suggestions of his busy brain and eager observation. He was under no temptation to borrow from others. The 'Secret History of the Court of Berlin,' as the two volumes published in the beginning of 1789 were entitled, is, therefore, the most characteristic as well as the most interesting of his voluminous publications. It contains, as Chateaubriand said, all Mirabeau—a Mirabeau of marvellous sagacity and penetration. Since the previous editions are either rare or incomplete this new one is very welcome, and the more so because it contains many passages not previously printed, as well as examples of the way in which Talleyrand, through whose hands the correspondence passed, edited the letters for the perusal of Calonne and Lewis XVI, Vergennes, the minister of foreign affairs, apparently considering them to be below his notice.

Most writers who have dealt with Mirabeau have taken some side in the family quarrels; they have sought either to excuse the faults of the son by dwelling on the pedantic and wrong-headed severity of the father, or to excite our sympathy for the father by pointing out how much he was tried by the exuberant self-assertion and the turbulent antinomianism of the son. M. Welschinger is impartial. The Friend of Humanity and the future orator, as well as all the minor actors in the tragicomedy of Mirabeau's life—his mother, his wife, his father's friend Mme. de Pailly, Sophie de Monnier, Talleyrand—are pitilessly dealt with in the introduction. It would be vain to ask M. Welschinger to reconsider his verdict, or to point out some apparent inaccuracies and exaggerations in the conception of the facts on which it is based, since the study of M. Alfred Stern's excellent biography, to which he frequently refers, did not result in a more judicial frame of mind.

M. Welschinger has done well to publish extracts from the despatches of the count of Esterno, the French minister at Berlin, illustrating the letters of Mirabeau, whom Esterno regarded as a troublesome and discreditable interloper; and it is to be regretted that more references to these and similar documents are not given in place of the frequent citations from Baron Trenck's worthless 'Examen Politique et Critique de l'Histoire Secrète de la Cour de Berlin,' published in 1789, which contains little but adulation of Frederic William II, praise of his ministers, mistresses, and court, abuse of Mirabeau, and bald contradiction of his statements—a production generally more dull and more untrustworthy than any inspired article in a semi-official newspaper. Two passages are indeed quoted by M. Welschinger remarkable and amusing from their unconscious cynicism—characteristic of the decadent eighteenth century, and still more so of the court of Frederic William II, the mystic sensualist, who sought to overcome the scruples of his mistresses and to satisfy

what Catherine II called his moral taste for the greatest possible number of legitimate wives, by bigamous and trigamous marriages, morganatic indeed, but duly celebrated by Lutheran divines. In one of these passages Trenck remarks that the bow cannot always be bent, that there must be some recreation in life, and that while Frederic II occupied his leisure in the composition of French verses and letters to D'Alembert that of his successor was devoted to the society of pretty women, and then continues, 'If it is man's destiny to be cradled in lifelong errors he may as well yield to those which charm the senses as to those which spring from the contact of ideas, from argument, from intellectual pride and the infinitesimal calculus' (!) The other passage, even more astounding than this balderdash, may be found in a note to p. 124, where we will leave it for the edification of the reader.

It would be ungrateful not to acknowledge that M. Welschinger gives many useful references in his notes; yet with the knowledge he possesses he might easily have made them better. When explaining who the people are whose names occur in the text he halts between two methods. Sometimes the most important dates and events in their lives are mentioned; sometimes we are only told where the information we may require is to be found. Occasionally it is difficult to avoid a suspicion that what is given depends on the book which the editor happened to have at his elbow and chanced to open. How else can we account for such a note as the following on the name of the English minister at Berlin (p. 143)?

La noble famille *anglaise* Dalrymple est surtout célèbre par le juriconsulte et historien Dalrymple (1726-1792), le géographe Alexandre Dalrymple (1737-1808), l'historien John Dalrymple (1726-1810), le général Hugh Dalrymple (1780-1830); celui dont il est question est John Dalrymple, sixième comte de Stair (1745-1821), et fut ministre plénipotentiaire à Berlin à partir de 1785.

Why should the clan Dalrymple be poured wholesale upon the reader unless it is because their names are on the same page of M. Welschinger's biographical dictionary? Since the editor claims to have produced what is to be the standard edition of this correspondence, we have a right to be exacting, and to regret that for want of a little more care it should here and there fall short of the level which the ability and industry of M. Welschinger might easily have enabled him to maintain. Perhaps he became a little weary of his task before it was completed. This would account for the careless correction of the proofs. Misprints are frequent. Turning over a few pages I find, p. 3, 'M. de Monaux' for 'Mouans'; p. 6, 'expansion' for 'expression'; p. 167, 'décision' for 'dérision'; p. 161, '22 août' for '12 août.' Similar mistakes here and there in the references detract from the value of an otherwise useful and welcome index.

P. F. WILLERT.

The Lieutenant-Governors of Upper Canada and Ontario, 1792-1899.
By D. B. READ, Q.C. (Toronto: William Briggs. 1898.)

IN his 'Life and Times of Major-General John Graves Simcoe,' his 'Life and Times of Major-General Sir Isaac Brock,' and his 'History of the Canadian Rebellion of 1837,' Mr. Read has dealt at some length with selected

parts of Canadian history, confining himself chiefly to Upper Canada. The object of his present book is to give some account of the various men who, with the titles of Lieutenant-Governor, Administrator, or President, have been responsible for the government of Upper Canada or Ontario from the Canada Constitution Act of 1791 down to the present time; his method throughout is narrative rather than critical, and he adds interest to his sketches by an excellent and nearly complete series of portraits, reproduced from the collection at Toronto.

To the ordinary reader the majority of the governors of Upper Canada or Ontario are hardly likely ever to be much more than names, though the history of the province affords probably the best possible example of the advantages and defects of the old system of military colonial governors. Many of the soldiers whom Mr. Read describes held office for a few months, some for a few weeks only, occupying Government House as a stop-gap between the going of one lieutenant-governor and the coming of another. It should not, of course, be forgotten that in his four months of office in 1839-40 Lord Sydenham really arrived at the final settlement of the vexed question of the clergy reserves, or that Sir Isaac Brock, administering the government during the troubled year 1812, earned an enduring fame in imperial history, rallying the hardy militia of the Upper province and leading them through a brilliant campaign to his last obstinate action on Queenston Heights. But only a small space is taken in Canadian history by men like Major-General de Rothenburg, who was administrator for three months in 1813, or Major-General Robinson, who was provisional governor for a brief period in 1815; in these and similar cases Mr. Read is compelled to fill up his picture by somewhat tiresome recitals of the exploits of his subjects before and after their term in Canada. Some of the space devoted to these biographical details might well have been used in discussing more fully the actions of the few lieutenant-governors who have left an enduring mark on the history of the province. There is, for instance, an almost unbroken silence as to the Indian policy of the lieutenant-governors, a matter upon which some light is thrown by the collection of Canadian state papers in course of publication by Mr. Douglas Brymner.

The incidents dealt with by Mr. Read in the latter part of his book are as yet too recent to be seen in their true perspective, though it is fair to him to say that his views are in the main judicious and free from bias. But more than half a century has passed since the rising of 1837-8, which closed the first chapter of Canadian history, and led the way to the union of the two provinces and subsequently, by a natural process, to the first great experiment in confederation under the British flag.

The period from 1791 to 1837 falls roughly into two divisions, and the assumption of the government of Upper Canada by Sir Peregrine Maitland (1818-28) may be said to mark the transition. The province started on its career with a solid nucleus of settlers of English blood, formed by the immigrants from the seceded States who were known as the United Empire Loyalists. The process of development went on sluggishly, settlements creeping slowly up from the rivers into the forest, and the needs of the infant society being met by rough and ready legisla-

tion under the direction of soldier governors of the type of Major-General John Graves Simcoe (1792-6) and Sir Peter Hunter (1799-1806). As Mr. Read observes, the latter will be remembered, if for nothing else, at all events for the model answer which he is said to have returned to a lengthy address of welcome presented to him on his arrival—'Gentlemen, nothing that is within my power shall be wanting to complete the welfare of this colony!' Public opinion was slow to organise itself, and the scattered colonists had as a rule little leisure and less inclination for politics, though during the first government of Sir Francis Gore (1806-11) Mr. Justice Thorpe set an example of political agitation, and during his second term the House of Assembly showed enough obstinacy as to the relation of grievances and supply to cause the lieutenant-governor to dismiss them summarily for a set of rascals.

It was, however, during the government of Sir Peregrine Maitland that political life in Upper Canada for the first time felt the force of an organised party of reform. At the beginning of his term of office there came a great influx of new settlers, principally from the United Kingdom; the 'Statements' of the auditor of Upper Canada show that in 1820 as compared with 1819 the amount of public land disposed of increased threefold, and the land was mostly divided into holdings of between 100 and 200 acres in extent. These new settlers lent strength to the reform spirit, as they naturally expected to enjoy in Canada the tried institutions of the mother country; they also brought to the cause of reform a staunch adherent in the person of William Lyon Mackenzie, the born agitator, who pressed home the question of grievances in season and out of season. In 1824 a majority of reformers was returned to the House of Assembly, and Sir Peregrine Maitland became involved in a trying struggle with the house, since his instructions and his convictions alike compelled him to combat its views of its privileges as opposed to the power of lieutenant-governor and executive on the one hand and on the other to the claims of the Legislative Council, which was the instrument of the official and anti-reform party.

Mr. Read mentions, but scarcely gives space enough to, the once famous Forsyth incident, which illustrates the manner in which Sir Peregrine Maitland's personal characteristics and political views combined to irritate the reformers. Forsyth entered into possession of a plot of land which was in dispute between him and the government and was situated not far from one of Sir Peregrine Maitland's residences. The lieutenant-governor, scorning the legal remedy, turned Forsyth off by the agency of a file of soldiers, who destroyed the building which he had put up on the land. The matter developed; the House of Assembly plunged into the fray and adopted a motion for an inquiry. They summoned the adjutant-general and superintendent of Indian affairs to the bar of the house. Sir Peregrine Maitland refused these officers leave to attend, and they were committed to the common gaol by the serjeant-at-arms. The usual reference to the Colonial Office resulted in a censure for the lieutenant-governor; almost throughout the struggle for reform the imperial government maintained a policy of concession whenever this was possible without surrendering the essential principle that the

executive should remain responsible to the home authorities and not to the electorate of the province.

The personality of Sir John Colborne, who succeeded Sir Peregrine Maitland and whose policy Mr. Read treats very sympathetically, did something to elevate the tone of the contest. He was, however, guilty of one error, the importance of which Mr. Read does not make sufficiently clear. By the Imperial Act of 1791 a certain proportion of the crown lands in both provinces of Canada was to be reserved for the provision and maintenance of a protestant clergy. The church of England and the official party maintained that this meant that church and no other. It was, however, pointed out that even if the church of England was allowed to count among its adherents all those whose religion was doubtful, or who professed no religion at all, its members did not make up one-third of the total population of the province of Upper Canada. The other churches, and especially the church of Scotland, which was very strong, owing to the numerous Scotch settlers who had come over from the Highlands, maintained that their churches also should profit by the reserved lands; and the reformers made this view one of the chief planks in their platform. The contest was embittered by the fact that the reserved lands had in most cases remained quite undeveloped, and that they were a serious hindrance to progress in road-making; in fact Lord Durham in his report expressed the opinion that on this single question of the clergy reserves all party feeling in Upper Canada had become concentrated. Sir J. Colborne fanned this feeling very dangerously by the legal but impolitic step of endowing a number of rectories with reserved lands, a measure against which the reformers did not cease to protest.

It was, however, during the government of Sir Francis Bond Head that discontent culminated in the abortive attempt at revolution in November 1837, under the lead of Mackenzie and a few extremists. The conduct of Sir F. Head before and during that episode is a question of much difficulty. Like Sir John Colborne he had instructions which indicated that the imperial government desired conciliation and fair handling of admitted grievances, subject always to the retention of the responsibility of the lieutenant-governor to the home authorities. He began his government by the pronounced step of summoning to his Executive Council three members of the reform party, of whom Dr. Rolph at all events belonged to the extreme section. But his disagreement with his Executive Council as thus constituted really marked the close of his attempts at conciliating the reformers, and his despatches and 'Narrative' show that in a few short months he had become convinced that reform meant republicanism and that he was fighting to prevent secession. His writings display an impulsive, impressionable, prejudiced mind, and the 'Family Compact' of officials, to which Lord Durham attributed so much importance, appears to have succeeded in gaining an entire mastery over his judgment. Acting on the conviction that the position was desperate, he entered the field of politics at the election of 1836, and exerted the whole strength of the administration against the reformers, going so far as to issue electioneering addresses in which he stated that the issue was between himself and loyalty and the reformers and rebellion. In his

despatches he constantly expressed the opinion that repression and not conciliation was the proper policy, and supported it by a curiously false analogy between Upper and Lower Canada. In the latter province government was rapidly becoming impossible, as race feeling rendered the contest more acute. Sir F. Head attributed this state of affairs not to its real causes, but to the policy of conciliation which the imperial government had adopted. Because in 1836 the electors of Upper Canada returned a government majority, and the reform organisation was for a time paralysed, he maintained that his own policy of firm resistance to reform had triumphed, and that it should be adopted in Lower and extended in Upper Canada, till it practically became coercion.

It appears to be indisputable that the majority of the reformers of Upper Canada sought legitimate objects by constitutional means. Their programme was clearly set forth in the address issued by the Constitutional Reform Society on the eve of the election of 1836, which demanded that the advisers of the lieutenant-governor should be responsible to the electors, that there should be equal rights and privileges for churchmen of all denominations, that all provincial revenues should be applied for the benefit of the people, and that there should be a radical change in the constitution of the Legislative Council, the second chamber, which, whatever might be its objects theoretically, in fact enabled the official and conservative party to block all attempts at reform. There is abundant evidence that the majority aimed at nothing more than reform of this character, which seems innocent enough now, and that only the left wing, rendered desperate by the lost election of 1836, were prepared to go as far as Papineau and the Lower Canadians in their desire for a republic. Even the defenders of Sir Francis Head, among whom Mr. Read is numbered, must admit that his policy was based on an imperfect view of the situation, and it is difficult on any theory to regard with equanimity his neglect of the principles which should regulate a colonial governor in dealing with the politics of the colony under his charge, or to approve of his avowed policy of giving the few misguided extremists among the reformers rope wherewith to hang themselves. Had he followed the line which the Home Government vainly prescribed, and won to himself the moderate reformers by judicious concessions while striking quickly and hard at the seditious, he would probably have saved Upper Canada from the disturbances of 1837-8, and would have better deserved the expressions of regret which, according to his own 'Narrative,' followed him on his departure from Toronto.

W. A. ROBINSON.

The Real French Revolutionist. By HENRY JEPHSON. (London: Macmillan & Co. 1899.)

It has pleased Mr. Jephson to give to his interesting and vivid history of the war, or rather of the atrocities which accompanied the war, of La Vendée a title which, though it does not suggest the subject of his book, yet sufficiently indicates the spirit by which it is inspired. In Paris, Mr. Jephson argues, the revolutionist was restrained by public opinion, however timid, and by the publicity given to his actions by the press. He was aware that what he did was known to the whole of Europe, and he

dared not show himself such as he really was or carry his principles to their logical conclusions. To know him truly we must study his actions in the provinces; there he no longer wore a mask. And, as, in Mr. Jephson's opinion, the real revolutionist was the incarnation of all the most brutal and degraded passions, he can, our author considers, be studied to the best advantage in the records of the Vendéan war, where he is seen revelling in an orgy of crime, perhaps the most revolting on record, combining the most ferocious cruelty with the most bestial profligacy, unredeemed by any disinterested fanaticism. But this is where we may be permitted to disagree with Mr. Jephson. It is because the monsters he delineates were actuated by motives as vile as their crimes, because they were, for the most part, the scum of the hells, the prisons, and the brothels of Paris, that I should call them not real but sham revolutionists. The real revolutionists were either the men who maintained, in the constituent assembly, principles every one of which was, as Mr. Jephson allows, trodden underfoot by these cutthroats, or the men who, like the Girondins or the more fanatical Jacobins, however great their follies or their crimes, were inspired by a genuine enthusiasm. The soldiers and officers of the army of the Rhine who crushed the insurgents were real revolutionists in a truer sense than the scoundrels whose atrocities they execrated.

Neither the 'Principles of 1789' nor democracy ought to bear the odium of the crimes of the Terror, whether in La Vendée or elsewhere. More fairly, if the tree is to be known by its fruit, might the blame of them be thrown on the old order of society, on the monarchy, which produced the criminals by whom they were committed. But since the Jacobins of Paris, the Committee of Public Safety, and the pusillanimous majority of the Convention approved of the devastation of the rebellious districts, and acquiesced in the infamous tyranny of their agents, the facts of the Vendéan rising have been studiously misrepresented by the apologists of the 'statesmen' of the Terror. Mr. Jephson's book, therefore, is useful. It may prevent English students from being misled by these writers, and may serve as a corrective to such a partial narrative as that of Mr. Morse Stephens, who dwells at length on massacres by peasants at Machecoul and elsewhere, talks of armed bands traversing the country in search of plunder and murder, without mentioning the provocation they had received—at Bressuire, for instance, in the previous year three hundred of them had been put to death in cold blood,—asserts, contrary to all the facts, that the insurgents gave no quarter, slurs over the hundredfold greater crimes of the republican hordes as acts of retaliation, or attributes them to German and Swiss mercenaries, speaks of Nantes, which the Vendéans never held, as the headquarters of the rebellion, 'charitably' ascribes the first *noyade* to accident, suggests that Carrier's 'severity' enabled his successors to temper justice with mercy, omits to mention that it was the excesses of the 'infernal columns' which drove their despairing victims again to take up arms, and ignores the slaughter amid circumstances of unspeakable horror of women and children. Mr. Jephson fully establishes, by the evidence of republican witnesses, the detestable tyranny of the ruffians he denounces, but he ought to have recognised more fully the extent to which the ignorant fanaticism

of the peasantry and their hatred of the townspeople had been used by the nonjuring clergy to excite resistance to the measures of the constituent assembly. It is perfectly true that the country people in La Vendée and the neighbouring districts were free from aristocratic or monarchical proclivities; that they were only provoked to rise in 1799 by the conscription, by the requisitions and the oppression of the Terrorists. But it ought to have been mentioned that their record was not quite free from reproach. As early as the end of 1791, incited by their priests, bands of so-called pilgrims, armed with muskets, pikes, and scythes, had forcibly ejected the constitutional clergy from their churches, ill-treating and even murdering some among them. Mr. Jephson's case is so strong that as a skilful advocate he would have done well to state all that can be urged on the evidence in extenuation of the guilt of the criminals arraigned by him before the bar of history.

P. F. WILLERT.

La Rivoluzione Napoletana del 1799. Albo pubblicato nella ricorrenza del 1° centenario della Repubblica Napoletana. A cura di B. CROCE, G. CECI, M. D'AYALA, S. DI GIACOMO. (Naples: A. Morano e Figlio, 1899.)

THIS illustrated work has been published in connexion with the celebration of the centenary of the Neapolitan republic of 1799. The committee to whom its preparation was entrusted have produced a fitting memorial to the heroic but unfortunate patriots of the Parthenopean republic. It consists of a careful selection of portraits, plans, and prints relating to this period, to which are appended voluminous notes, containing much hitherto unpublished matter. The editors have also reprinted a rare memoir by General Pignatelli Strongoli dealing with the war with the French and the foundation of the Neapolitan republic. The narrative ends with Ruffo's expedition to Calabria, and was to have been completed in a second memoir, but this, if it was ever published, is now unfortunately missing, and we are deprived of what might perhaps have shed much light on several controversial points. Among the portraits are engravings of Ferdinand and Caroline, Acton, Ruffo, Luisa Sanfelice, Eleonora Fonseca Pimentel the gifted editress of the *Monitore Napoletano*, Cirillo, and others of the more prominent Jacobins. These portraits recall what was perhaps the most characteristic feature of the Neapolitan revolution, namely, that it was in no sense an upheaval of the proletariat, but rather a rebellion on the part of the cultured middle class and nobility against a corrupt and effete government. Very typical of the sympathies of the editors is the note to Nelson's portrait, in which he is described as *contrammiraglio ai servigi di S. M. il re d' Inghilterra e carnefice ai servigi di S. M. il re di Napoli*. The series includes an interesting collection of facsimile autographs, and reprints of contemporary caricatures and broadsheets. The views of Naples in 1799 show how little the city has altered in appearance during the present century, in spite of tramways, electric light, and modern sanitation. The names of the editors are a guarantee for the comprehensiveness and accuracy of the contents of this album, and all the more credit is due to them because of the extremely short time which was allowed them to

prepare it for the press. It cannot fail to interest those who have even only a slight acquaintance with one of the most fascinating and stirring epochs in the history of Naples.

H. C. GUTTERIDGE.

Russisch-preussische Politik unter Alexander I. und Friedrich Wilhelm III. bis 1806, urkundlich dargestellt von Dr. H. ULMANN. (Leipzig: Duncker und Humblot. 1899.)

THIS monograph describes the relations of Russia and Prussia in the period that preceded the overthrow of the latter. Professor Ulmann has already described in an article of the *Deutsche Zeitschrift für Geschichtswissenschaft* the policy of Prussia during the Armed Neutrality League and the first occupation of Hanover. Leaving aside, therefore, these questions, he proceeds in this work to describe the characters of the two sovereigns, their meeting at Memel in June 1802, and then to deal with their policy respecting the secularisations and the events that brought about the third coalition against Napoleon. The author has little that is new to tell us about the characters of the chief personages. But he well portrays the curiously conflicting traits of Alexander's character, and its strange blend of the *idéalogie* of Laharpe with the maxims and instincts ingrained by contact with Catharine II, Paul I, and the masterful boyars who forcefully raised him to the throne. Perhaps the portraiture would have gained in distinctness by quotations from the young Alexander's correspondence with Laharpe, or from the memoirs of Czartoryski, who, in chapter xiii., has left a lifelike, if unflattering, sketch of the young ruler. The figure of Frederick William stands forth clearer, though less interesting, than that of the enigmatical czar, and the author notes that the *Grundelement seiner Scele was ein starker Quietismus*—a judgment supported by the verdict of our envoy at Berlin, Sir G. Jackson: 'The chief happiness of the king, as those who know him well say, consists in the absence of all trouble.' This peculiarity of the Prussian ruler explains the course of events in these troublous years, just as the passivity of Louis XVI's nature gives us the key to many of the riddles of the early parts of the French Revolution.

Professor Ulmann is perfectly justified in insisting that Alexander was at first no lover of England. His sympathies, as befitted the pupil of Laharpe, were rather with France and the First Consul. Our author traces the course of his gradual alienation, dating it from the time of the consulate for life (p. 51). As to the cause of this estrangement, which shattered Frederick William's dream of a Franco-Prusso-Russian alliance, comparatively little is said. I am inclined to attribute it very largely to the influence of the ardent young Anglophils Czartoryski and the Vorontzoffs, who were now high in Alexander's favour, as well as to the dislike of Laharpe and his former pupil for the restorer of autocracy in France; Alexander was also piqued by Bonaparte's cavalier treatment of the king of Sardinia, who had sought the protection of Russia. A perusal of the archives of our Foreign Office would have shown Professor Ulmann the importance of this last grievance, and would perhaps also have saved him from attaching the importance which he does to 'English-Hano-

verian intrigues' (p. 64). Napoleon could have kept the friendship of Alexander and Frederick William had he then, as at a later time, shown some consideration for their feelings and interests. So also our author gives too slight a glance at the Enghien affair and the grave international questions which it aroused. On the other hand he treats fully and clearly the relations of Russia and Prussia to the question of North German neutrality, which was affirmed in the spring of 1804, only to be broken in October by the seizure of our envoy Rumbold at Hamburg.

The rise of the third coalition is very insufficiently treated here (pp. 144-5), scant justice being given to the foresight of Pitt's views for the reconstruction of Europe, which were fully as enlightened as those of Alexander and Novossiltzoff. A reference to the Russian and English memoranda published by Count Garden¹ would have kept our author from this error. He also repeats the stories of French historians as to the influence of 'Pitt's gold' in the building up of the coalition, and, in particular, charges the English government with almost buying over the 'hot-headed' king of Sweden into allowing the use of Swedish Pomerania as a rallying point for the troops that were to operate against the French in Hanover (p. 144). But every student of the diplomacy of this period should know that the king of Sweden was the first champion of monarchy against Napoleon; and, as a matter of fact, it was he who first made overtures to us for an alliance against the Corsican. The despatches of Drake from Munich, where he saw Gustavus IV at the close of 1803, are conclusive on this point.² On 15 December the Swedish king expressed to Drake his fear that during the winter Napoleon might strike at Sweden or at Swedish Pomerania; he hinted that Sweden was very poor, but could, if supported, put 50,000 men into the field, and Drake saw that he desired a treaty of subsidy with England, which, in fact, was arranged somewhat later. So too in the case of Russia, we did not buy her support; it was she who first proffered (through Novossiltzoff) a claim for pecuniary aid to complete her preparations. It is really surprising to find this puerile charge of our buying up allies in any history avowedly based on original documents. The events that followed—the outbreak of the war of 1805, the threatening policy of Czartoryski, the French violation of Prussian neutrality at Ansbach, the meeting of czar and king at Potsdam, and the momentous mission of Haugwitz to Napoleon—are all carefully described. In accord with the letter of the duke of Brunswick, advocating delay in the departure of Haugwitz for Moravia, our author sees nothing but an excess of caution in that proceeding; and certainly the letter (for which see Hardenberg's 'Memoirs,' ii. 386-7) seems pervaded with that timorous precaution which was to prove the ruin of Old Prussia. Our author gives great prominence (p. 298) to the declaration of the czar four days after Austerlitz that he left the two Russian armies then on Prussian territory, and the whole question of peace and war, entirely with the king of Prussia. Certainly this proves that Frederick William did not desert the czar at the close of 1805; but it does not clear him

¹ *Traité*s, viii. 317-28.

² F. O. Records, Bavaria, no. 27.

from the charge of grave political incapacity in letting the Russians go home, and in demobilising the Prussian forces before affairs were finally settled with Napoleon. I could wish that our author had extended his volume so as to include the events of the spring and summer and the outbreak of the war of 1806.

J. HOLLAND ROSE.

Letters and Papers of Admiral of the Fleet Sir T. Byam Martin, G.C.B.
 Edited by Sir R. VESEY HAMILTON, G.C.B. (Vol. II.) (Navy Records Society. 1898.)

THE editor of this volume decided to publish it before the appearance of vol. i., which will deal with the earlier part of Sir T. B. Martin's career, *i.e.* before 1808. This volume describes his operations in the Baltic and elsewhere in 1808–1818. It is regrettable that the first volume has not appeared, as we can form no satisfactory conception of the gallant seaman's character or of the events into which we are launched straightway. The introduction, otherwise admirable, scarcely prepares the general reader for a fit understanding of the very complex situation which arose out of the treaty of Tilsit. For instance, Martin's letter of 9 June 1808, off Danzig, can hardly be understood unless the reader is warned in the introduction, or by a footnote, that we were actively at war with Russia, and nominally at war with Prussia, since their compulsory adoption of Napoleon's continental system. No description of that system is given such as would throw light on the following interesting sentence in the letter just referred to:—

It is melancholy to think of the immense trade which so lately gave consideration to these ports, and now to behold the whole extent of coast from Riga downwards without even a fishing boat daring to venture out; and such is the despotism of Bonaparte's agents, and the disgraceful servility of the emperor Alexander, that the French consul frequently goes to the custom house, demands the inspection of their books, and threatens the vengeance of the little Corsican scoundrel if he entertains a suspicion of the least connivance at English speculation, which is still alive, although commerce seems to have perished.

Martin showed not only fine seamanship—witness his capture or destruction of Russian ships here described—but a statesmanlike insight into continental affairs. He did his utmost through our consul at Königsberg, Mr. Drusena, to keep the people of Prussia well supplied with news as to the Spanish rising of 1808, and pointed out the importance of informing the Spanish regiments then forced to serve Napoleon near the shores of the Baltic. But it does not appear that he had any hand in the thrilling escape of Romãna and his Spaniards from Holstein. In 1809 we find Martin indulging high hopes, owing to the success of the Austrians, the exploits of the Tyrolese, and the rising spirit of Prussia. He writes (14 May) that 'three Prussian regiments have marched from Berlin to join the Austrians without their king's consent, and in spite of this timid, stupid monarch the whole country is taking up arms. . . . Hesse is in a complete state of revolt.' This reference to Schill's rising, really only with *one* regiment, is a curious instance of the exaggerations to which letter-writers at a distance from the scene of action are always liable to be victims. Drusena (*alias* Hahn) kept Martin informed of

Schill's doings and of his capture of Stralsund (p. 114); but it does not appear that our government or its admiral in the Baltic did much to succour that gallant patriot. In fact, Saumarez ordered Martin to the Gulf of Finland at the time when Schill was making his last stand at Stralsund. Martin truly said (p. 124) that if Schill were properly supported he would 'do more than all the powers of the continent towards its emancipation.' The British government thought otherwise, and Schill was overpowered and slain. As Martin bitterly said, 'we are too often tardy both in our decisions and in our movements.' More statesmanlike was Saumarez's conduct towards Sweden when she was compelled early in 1810 to adopt the continental system and declare war on us. Our admiral accepted a private declaration from Stockholm as to the pacific intentions of that court, and resolved that he would commit no hostile act. Consequently when Alexander broke with Napoleon in 1812 Sweden was ready to join Russia, and a little later England, against France. Martin then did good service off Riga in helping the defence of that city against Macdonald's division, while other British ships captured some of the French vessels that strove to get stores from Danzig—Napoleon's chief base of supplies—along the coast and up the Niemen. Whether the services of Martin's squadron were as great as the editor asserts (p. xii) may be doubted; for, after all, Napoleon's transport difficulties were due mainly to the impossibility of getting the stores from the Niemen inland; and though Napoleon occasionally talked of striking at St. Petersburg it is questionable whether he really meant to expose his flank to raids that might be made from the English, Russian, and Swedish navies.

An interesting letter from the czar is printed on p. 311. The editor remarks (p. xii) that the decision of the czar, therein stated, to send his fleet to winter in England, for the sake of security, has not, so far as he knows, appeared in any history; but it was mentioned by Colonel G. Cathcart in his 'Commentaries on the War in Russia and Germany in 1812 and 1813' (p. 40). The volume closes with letters that show the important services rendered by our navy to Wellington in the Vittoria campaign, services which our general much underrated at the time.

J. HOLLAND ROSE.

Histoire du parti républicain en France de 1814 à 1870. Par GEORGES WEILL. (Paris: Alcan. 1900.)

THE author of this book has given us a painstaking, if not brilliant, study, based upon a great number of pamphlets, memoirs, newspapers, and magazines, as well as oral statements of republicans and their relatives. He shows how in 1814 the Bourbons were the only alternative to the empire, as the republic was identified with the Terror, and how difficult it was even much later to get rid of this unpleasant association. Though the republicans were in the forefront of the revolution of 1830, it was Lafayette who turned the scale in favour of Louis-Philippe, and the 'first frankly republican insurrection since 1815' was that of June 1832. The disturbances of 1834 and Fieschi's attempt increased the unpopularity of the republic, which, as Royer-Collard is reported to

have said, *a contre elle les républicains d'autrefois et les républicains d'aujourd'hui*. Towards the end of the reign the chief republicans were dead, or had given up politics or 'rallied' to the monarchy, or else were squabbling among themselves. The revolution of 1848 took them by surprise; the second republic, forced on them by the people, seemed to many premature. There follows a good account of their conflicting schemes for establishing Utopia and of their practical blindness in expecting a certain victory when the powers of the president should have expired in 1852. The most pathetic part of the book is that devoted to the exiles, their quarrels and sufferings; and the description of their tortures on the Ile du Diable (p. 368) reminds us of a much later prisoner. In the early years of the second empire Paris was too busy making money and amusing itself to bother about politics; but after 1858 the 'five' made themselves active in the legislative body, and the Italian war, involving a breach with the clericals and embodying the republican doctrine of interference against 'tyranny' in foreign countries in return for the valuable consideration of Savoy and Nice, made them support Napoleon's foreign policy. The amnesty and the decrees of 1860, allowing full publication of debates, gave them a lever, which the liberal press law of 1868 enabled them the better to use, and, at last, the empire fell undefended. But there was a great difference between the old republicans of 1848 and the young republicans of 1870. The former were idealists, the latter materialists: the former were not opposed to religion, and priests blessed their trees of liberty; the latter held clericalism to be the enemy; hence arose constant misunderstandings between the two sections. Yet Ferry, the ablest of the moderns, believed in colonial expansion as firmly as the ancients. Certainly the new men were more practical; the old school was theoretical, dreamy, mistaking words for things, ever ready to commit what Italians call a *quarantottata*, utterly incapable of prompt action. The book contains an impartial sketch of them and their works, as well as of their successors, though we miss any direct mention of Ferry's famous *Comptes fantastiques d'Haussmann*. A bibliography and a full index complete the work.

W. MILLER.

Mémoire de Pons de l'Hérault aux Puissances Alliées. Publié pour la Société d'Histoire Contemporaine. Par LÉON G. PÉLISSIER. (Paris: Alphonse Picard et Fils. 1899.)

ANDRÉ PONS, the author of this memoir, was born at Cette, on the Mediterranean coast, in 1772, and began life as a sailor. Carried away by revolutionary enthusiasm he became an active although not an inhuman Jacobin, serving the republican government with credit both by land and sea. More faithful to his principles than most of his contemporaries, he was not moved by his dislike of the directory to condone the usurpation of the 18th of Brumaire, nor would he give in his adhesion to the empire. Nevertheless a powerful friend obtained for him in 1809 the post of director-general of the mines of Elba, which he continued to hold down to the time when Napoleon came to play at sovereignty in the island. Pons, who had never before been brought into

contact with Napoleon, was not quite tractable at first, but soon yielded to his singular fascination. The stiff, didactic republican became an enthusiastic, an adoring subject. Napoleon sent him on confidential missions to Italy and employed him in the preparation of the flotilla for the return to France. Pons was, therefore, one of the first to be admitted into the secret of that return; he accompanied Napoleon, undertook the business of gaining Masséna's adhesion, was shut up in the Château d'If for a few weeks, and finally became prefect of the Department of the Rhône. When all was lost he quitted France and spent some years in exile. According to M. Pélissier it was either in 1817 or in 1818 that he drew up the memoir to the allied powers, ostensibly as a defence of his conduct and a plea for his restoration to France. As he had never been banished the necessity for the memoir is not apparent. Nor is it in the least adapted to its purpose. Its inordinate length, its tone of boundless enthusiasm for Napoleon and loathing for the Bourbons, its tiresome carping at kings and courtiers and equally tiresome glorification of Pons himself suggest that it was written to clear him in the eyes of other devout Bonapartists for wanting to return to France and make his peace with the government. The memoir was neither finished nor published. What it tells us about Napoleon during his residence in Elba has a certain value, for, although it adds little to the 'Souvenirs et Anecdotes de l'Île d'Elbe,' by the same author, which have already appeared in print, it was composed within a much shorter time after the events which it describes, and may therefore be presumed more trustworthy. The account of Napoleon's return to France, and of Pons's attempt to gain Masséna, is new and therefore still more valuable. We have seen that Pons was not coldly impartial: it remains to estimate his intelligence. In practical life he seems to have been sensible and honest. Judged by his writings he would appear a simple and warm-hearted man with little penetration, much self-esteem, an appalling fluency, and that grotesque strain of sentiment so common in the revolutionary period. One specimen of his style, describing the flirtations of Elba, may suffice.

Le temple de Janus était fermé. La Gloire, n'entendant plus le cliquetis des armes, se reposait à l'ombre des lauriers. L'Amour profita du moment; ses premiers traits frappèrent un jeune officier d'infanterie de la Garde; mais la blessure fut légère et les convenances militaires la guérirent facilement, &c. &c.

F. C. MONTAGUE.

The History of the Castle, Town, and Port of Dover. By the Rev. S. P. H. STATHAM. (London: Longmans. 1899.)

THE variety of the historical interest which gathers round the castle and port of Dover, the difficulty of analysing the position of Dover in relation to other towns without dwelling at disproportionate length on the history of the Cinque Ports generally, and the amount of unpublished and published record material that must be ransacked before a satisfactory history of the town can be written, are matters which are adequately pressed upon the reader's notice by Mr. Statham. He has brought zeal and enthusiasm to his task, and the historical equipment which comes of wide reading.

The selection and reproduction of photographs, maps, plans, and seals are alike excellent, and give the work a value of their own. Unhappily the effect of the book is damaged by that lack of judgment which too often has brought the local historian to confusion. The book opens with mammoths and woolly rhinoceroses and reaches at the close the name of Lord Salisbury. The unfortunate example set by Lyon early in the century is followed, and a quarter of the available space is devoted to brief lives of the Constables. These cover a part of the career of many famous persons who held this among other offices, which had, we must believe, a greater influence in directing the current of their lives. One does not naturally turn to a history of Dover for a short account of Henry V, William Pitt, or the duke of Wellington. The system too which requires three several accounts of the foundation of the castle church, first under the general history of the town, then under 'religious establishments,' then under 'the castle,' is clearly unsatisfactory. The three accounts may be set out side by side to serve as a measure of the accuracy and style of the work. First (p. 31) we hear that Dover Castle was soon after 597 occupied by 'a devoted band of monks.' Removed from the castle by Withred in 691, they formed the Priory of St. Martin le Grand in the town. The next version (p. 173) is that before 640 Eadbald established 'canons' in the castle, and in 726 Withred removed the society to the town. Under St. Mary in the Castle (p. 282) it is stated that the 'Benedictine monastery in Dover Castle' existed before 640, the first mention occurring in 694. Further it is added, 'That Eadbald appointed an order of canons in the castle can be clearly gathered from the fact that, according to an ancient tradition, the canons resided in the castle for 100 years and more.' 'Reckon how you will, that was the period which elapsed from the time of King Withraed (*sic*), who transferred the canons to the church of St. Martin.' But by p. 283 something has given the writer pause. 'As stated above a collegiate body was established in the castle before 640 A.D., and, although there is some difficulty about reconciling the statement that it was a body of secular canons with the known date of the first formation of such orders, we may take the evidence on this point as being conclusive. . . . About the year 725 Withred (*sic*) . . . removed them to the town.' These are not the only passages where a curious desire to accept the latest modern research and not to reject any ancient tradition is manifested with similar results. The zeal which Mr. Statham has shown in collecting and translating fragments of the records is, on the other hand, worthy of all praise. The bulk of them, after many vicissitudes, is now deposited at the British Museum, and only a small residue remains in the care of the corporation. The language and writing of the originals have clearly presented difficulty to the editor, as is witnessed by such untranslated words as 'Goule Dangst' for the gules of August, and 'chapes de goer' for choir copes. But it is well there has not been more guessing, such as would have us believe that a certain *quaternus* or quire, called *Quaternus de Dovor sub titulo La Courte de Sapaway*, received the title because it contained an account of four courts, 'Shepway, Brodhull, Guestling, and, perhaps, the Chancery Court.'

MARY BATESON.

Oxford Topography. By HERBERT HURST, B.A. Oxford Historical Society. (Oxford: Clarendon Press. 1899.)

Old Plans of Oxford. Oxford Historical Society. (Oxford: Clarendon Press. 1899.)

MR. HURST'S volume is a running comment upon that part of Leonard Hutten's 'Antiquities of Oxford' (reprinted in 1887 by the Oxford Historical Society) which consists of a 'cursorie view or perambulation' of the streets and suburbs of Oxford. It is also intended to be a companion volume to a portfolio (issued at a remarkably low price) which contains reproductions (1) of Ralph Agas's large and unique vellum map hanging in the Bodleian Library—here given in eight sheets—(2) of Whittlesey's engraving of Agas (1725), in four sheets—usefully supplying the deficiencies of the original caused by wear and tear, and showing in the margins Bereblock's Elizabethan views of the colleges, (3) of Hollar's plan of Oxford (one sheet), and (4) of Loggan's beautiful plate of the city, in two portions. The portfolio is a handsome, and Mr. Hurst's perambulation a very useful, addition to the publications, now thirty-nine in number, of the Oxford Historical Society. Between Agas's 'type' (c. 1578) and Loggan's 'platforme' (drawn in 1673) a century of considerable change elapsed, which is not bridged by Hollar (1643), who virtually follows Agas. For instance, he shows South Gate as still standing. Loggan and Anthony Wood had Agas before them in their labours. The interest and value then of the Elizabethan topographer's elaborate and usually careful plan are very great. As for Dr. Hutten, he entered Christ Church from Westminster in 1574, and lived there till his death in 1632. Wood considered that his 'Antiquities' was plagiarised from Brian Twyne (for whose papers much still remains to be done) and was a slight performance. Hearne, however, declared that Wood was 'himself the most diligent plagiarist, and owed much to Hutten,' who greatly excelled Twyne in judgment and learning. He was one of the translators of the Bible. Hutten's survey at any rate, even if does not add much to our knowledge, makes a good text for the commentary of Mr. Hurst, who possesses an intimate acquaintance with the streets and buildings of Oxford. Where so much that was of interest has been swept away above ground we are glad to be told of twelfth and thirteenth century shafts and groining below ground, of one prosaic-looking house which stands over 'perhaps the most curious range of cellars in the whole of England'—this is the old Swyndlestock, or Mermaid Inn, in St. Aldate's Street,—of vaulting of 'extraordinary interest' under the 'Mitre' and adjoining tenements, and of 'one of the best pieces of domestic Gothic of the middle decorated period which we have left' beneath unlovely, modern King Edward Street, belonging to the old Tackley's Inn. On the other hand it is melancholy to learn how many fifteenth-century houses and pretty gabled and pargetted fronts have been demolished even in the last year or two. Mr. Hurst does not mention 'Leden-Porch Hall,' in Penny-farthing Pembroke Street, pulled down a few months since. It was probably the 'ale house near Pembroke Gate' where Johnson and Oliver Edwards discussed Latin epigrams. Agas, by the bye, applies the name 'Penie-farthinge Streete'—altered, Thorold Rogers said, by 'an ignorant and stupid local board'—to Freen (now Church) Street, between St.

Ebbe's and the Castle. This must be a mistake, for the Penyverthing family lived further east. His accuracy, however, in representing the Castle Mount as crowned by a ten-sided keep has recently been vindicated by Mr. Clark's discovery of a sketch made by Aubrey among the Wood manuscripts. Some points lately elucidated have been the discovery of an eighth pilaster window in St. Michael's tower, the thrusting back of the original front of Hertford by half the width of the present street, the confirmation of Wood's conjecture that the churchyard of St. Mary's extended formerly some way to the west, the laying bare of the west wall of the Tudor ante-chapel of Queen's, the finding the foundations (probably) of the long lost St. Edward's Church, and the tracing of the exact line of the town wall behind the Clarendon Building in the direction of Our Lady's Chapel, the relics of which, it is said, are soon to be incorporated or immured in the projected buildings of Hertford College.

Greene speaks of Oxford at the close of the sixteenth century as 'gorgeous with high-built colleges.' When James I visited it in 1605 he saw a very different city from that of to-day. Of the glorious conventual houses which had encircled it—except the priory church of St. Frideswide—scarcely one stone, indeed, remained upon another. (Agas even confuses the sites of the Greyfriars and the Preachers.) Bodley's Schools, the great dome of the Radcliffe, the Sheldonian, the Clarendon Building, the Jacobean and Caroline quadrangles and fronts and Dutch gardens were as yet non-existent. The old churches of All Saints, St. Martin's, St. Clement's, and St. Peter-le-Bailey were standing, and St. Aldate's and St. Ebbe's were still unspoiled. Nicholson's Conduit was not erected at the then much narrower west end of the High Street till 1610—so that Hutten's survey must be later than this date—but the streets were picturesque with a wilderness of decaying medieval halls. The antiquary Winsore conceived that Oxford stood upon nine hills, one being Beaumont, then right out in the country; but the roadway at Carfax was twelve feet lower than at present. On the other hand at Southgate—one of several gates then standing—just below Tom gateway there was a sudden dip in the ground, and the passenger emerged upon an expanse of 'plashy ground,' called Grampoole, through which was carried a cawsey. This passed under New South Gate ('Friar Bacon's Study') and was then raised on a series of very ancient arches, some of which still remain, as far as the present Recreation Ground. This Southbridge district was, and is, called Grandpont, the *great* bridge. For on every side of Oxford except the north there were these arched roads. Mr. Hurst thinks the few spans of the present Magdalen bridge less suitable for carrying off floods than the five-and-twenty arches shown by Agas of the old Estbrugge. His remarks about the causeway leading to Abingdon and the south over the passage of the Thames—though Hutten places the 'ford' between Iffley and Kennington—are learned and acute. He is no doubt right in rejecting the etymology 'Candida' for Canditch: he suggests 'camp ditch,' Mr. Parker 'canal ditch.' Schydyard Street is, Mr. Hurst thinks, Sidtherd (Silk Thread) Street. He gives in parallel columns the evidence for the three theories of the site, or sites, where Latimer, Ridley, and Cranmer were burned, and locates the various pillories; also Gownsmen's Gallows. 'What, sir,' said Dr. Routh, 'do you tell me that you never heard of

Gownsmen's Gallows? Why, I tell you, sir, that I have seen two undergraduates hanged on Gownsmen's Gallows in Holywell—hanged, sir, for highway robbery.' Loggan's print shows the maypole standing in front of Hert Hall. It can hardly have stood all through the reign of the Saints, though the Candlemas 'wayts' certainly went the round of the colleges in 1653.

DOUGLAS MACLEANE.

Proceedings of the Somerset Archæological Society. Vol. XLV. (Taunton: Barnicott & Pearce. 1899.)

THE most important paper in this volume is one on 'The Five-Hide Unit in the Somerset Domesday,' in which the Rev. E. H. Bates sets himself to apply to the survey of the county the theory advanced by me in 'Feudal England.' Sir F. Pollock, it may be remembered, has already, in this Review, applied it to the survey of Devon; but Mr. Bates in his paper, which extends to more than fifty pages, has worked out with great elaboration the whole of the figures for Somerset, and has added a map specially drawn to illustrate his method of treatment. The result is a notable addition to our local monographs on Domesday. Taking the tables in Mr. Eyton's work on the 'Domesday Survey of Somerset,' and applying to them my theory, Mr. Bates claims that he has established its truth for this county. But he does this by a new method elaborated by himself. The totals of hides, as they stand for the hundreds, are somewhat difficult to account for on the five-hide theory; but Mr. Bates divides the county into twelve 'districts,' each of them containing several hundreds, and arrives at a total, for half of these, of 300 hides apiece, while to three or four of the others he assigns about 200 hides each. In addition to advancing this hypothesis he selects 'an aggregation of twenty hides' as the normal unit, formed by combining two or more vills where their assessment was of less than that amount. Incidentally, in the course of his inquiry, he corrects some of Eyton's identifications, and in this he has done excellent work. I doubt whether it is possible in an average hidated county to apply my theory so rigidly as is here done by Mr. Bates; all that one can say is that the figures conclusively point to an assessment originally based on the five-hide unit. But, after careful collation of Mr. Bates's paper with his map, I consider that he has made good his case for the combination, in Somerset, of vills to form some multiple of the five-hide unit. He has, I think, however, hampered himself needlessly by trying to make that multiple always twenty hides. There were in the county vills of thirty and even of fifty hides, and I have generally found in Domesday much elasticity as to the amount of the multiple formed by combining vills. Had he, in some cases, made it forty hides Mr. Bates could have produced, for these, even neater results. On the other hand his 'districts,' although of necessity hypothetical, seem an ingenious reconstruction, and may serve to remind us that, ancient though the hundred undoubtedly is, these administrative divisions of the country have undergone more change in number and area than is, perhaps, generally recognised. Altogether Mr. Bates's paper is one of considerable importance for the Domesday student.

This volume also contains a second paper on the family of Brook, who removed from the west country into Kent on succeeding to the barony of Cobham ; but its contents seem, in the main, familiar. The descent of Allerton manor, Mudford and its church, and a find of British remains are the subjects of other papers.

J. H. ROUND.

Early Yorkshire Schools. Vol. I. York, Beverley, Ripon. By ARTHUR FRANCIS LEACH. (Yorkshire Archæological Society. Record Series. 1899.)

It is usually supposed that our great public schools are especially distinguished by having a history, and it is surprising how few schools outside of them have received any adequate account. In his 'English Schools at the Reformation, 1546-8,' Mr. Leach enumerated as many as 204 schools which were existent as early as 1548 in some form or other. The number of those which have had their history recorded is very small, and the question arises: How many old schools are there, for which there is available material for writing an account? Mr. Leach now shows that valuable material is forthcoming for early Yorkshire schools, as to which very little was previously known by the ordinary student of education. Mr. Leach deals only with three schools, but we are glad to notice that apparently he intends in the future to trace the records of others.

The present volume contains 287 pages, taken up with the reproduction of original documents, viz. for York school, those in the hands of the dean and chapter of the cathedral church of York; for Beverley those in the hands of the town council of Beverley; and for Ripon those in the hands of the dean and chapter of Ripon, and certain documents belonging to the governors of the school. In 74 pages of Introduction, Mr. Leach gives an account of the documents which he reprints later on in detail. At the outset, Mr. Leach says:

I would venture to appeal to owners or custodians of ancient documents to search them, or have them searched, or give facilities for search by competent persons, for references to the school, or a schoolmaster, or scholars, to payments for teaching or repair of school buildings, especially before the reign of Edward VI. . . . It is only by the accretion of a large number of scattered facts and references, in themselves perhaps of no great interest or moment, that the lost history of English schools can be recovered.

Mr. Leach has himself shown in this volume how useful such details may be, for though there are no great 'discoveries' made in this book, and perhaps some readers will consider some of Mr. Leach's conclusions debatable, yet the wealth of illustration of educational history, obtainable from the documents of these three schools, shows what a fruitful field of research lies before students of educational history in old school documents. Educational history even in its general features before the Reformation is often obscure, and details of illustration are insufficient. The study of origins in the organisation of schools, particularly in England, has been greatly neglected, but Mr. Leach's studies will surely attract other students to a very promising field, and thus will be brought about eventually some established view of school development in England.

Mr. Leach traces very carefully the question of the ecclesiastical organisation and jurisdiction of schools. And no part of his Introduction is more striking than the references which he makes to the licensing of teachers. Ecclesiastical interference in the case of unlicensed schools is illustrated by Mr. Leach by a case at York in 1967, by another case at York in 1875, and no less than three cases are given in detail at Beverley between the years 1804–1806. Mr. Leach further cites cases at St. Paul's, London, in 1187, at Winchester in 1180, and Canterbury 1807–22. These illustrations and many others help to prove Mr. Leach's position that 'schools, scholars, and learning were matters of ecclesiastical (not monastic) law, and that they were under the cognisance of the ecclesiastical courts.' But Mr. Leach's statement of the 'obscure' nature of the question whether before the fourteenth century monastic schools were open to any but inmates of the monastery may be right or wrong, but the apparent negative bias is scarcely in the right historic spirit and is certainly not sustained by anything which Mr. Leach adduces. M. Léon Maître, in his '*Ecoles épiscopales et monastiques de l'Occident*,' has a chapter on the instruction of the laity, in which he gives a number of instances of the children of nobles as being taught in the monasteries. 'From the beginning of the ninth century,' says Mr. Rashdall, 'all the more famous monasteries had two distinct schools—one of its own *oblats*, the other for outsiders.' Mr. Leach himself points out that the abbot of Walden at Saffron Walden exercised rights over the licensing of schools, though it is true the date is 1475. This question, however, Mr. Leach cannot be regarded as seriously discussing. He has gone off at a tangent, and whether he is right or wrong in his conclusion does not affect the history of the three schools with which he is immediately concerned.

We trust that before long Mr. Leach will give us a further volume—the result of researches in connexion with other old schools of Yorkshire: Sedbergh, Pocklington, Hull and Rotherham—to name no more. Further, it is to be hoped that other societies, throughout Britain, will be emboldened to inquire how far Mr. Leach's surmise is verified: 'The town clerks of ancient boroughs, the incumbents of ancient churches, particularly those which have been collegiate, or in which there have been several chantries, are very likely to have, even without suspecting it, documents bearing on the ancient history of schools.'

FOSTER WATSON.

The Records of Old Aberdeen, 1157–1891. Vol. I. Edited by A. M. MUNRO, F.S.A. Scot. (Aberdeen: New Spalding Club. 1899.)

WHEN Thackeray visited Scotland he 'fell in love with Old Aberdeen, an elderly, decayed, mouldering old beauty, who lives quietly on the sea-shore, near her grand new granite sister of a city.' In the year 1891 the modern passion for 'centralisation' brought about the needless destruction of Old Aberdeen as a separate corporation, and merged it in the royal burgh of Aberdeen. It is thus a fitting task for the New Spalding Club to render accessible the records of the history of a town which has always been possessed of the 'secret none can utter,' and has laid a magic spell upon all the generations. Mr. Munro's work cannot

lay claim to the interest attaching to the volume of charters relating to the royal burgh of (New) Aberdeen, which was edited, some years ago, by Mr. P. J. Anderson, and remains an important 'document' for the historians of burghal institutions. The town of Old Aberdeen is certainly not more ancient than its larger sister, although it was the first to possess the name of 'Aberdon,' and its origin is a much less difficult problem, for it grew up around the cathedral church of St. Machar. The bishop of Aberdeen was its superior, and it lay within his jurisdiction. When, in 1489, King James IV created it into a burgh of barony he did so in the interests of Bishop Elphinstone, maintaining the episcopal rights which had been conferred by David I and William the Lion, and granting to the bishops of Aberdeen the power of appointing and dismissing the provost and magistrates. On the final abolition of episcopacy, in 1689, this right fell to the crown; but, in practice, it had already fallen into disuse, and in Old Aberdeen, as in other burghs, the council appointed its successors. An additional interest is given to the records by the existence within the burgh of another jurisdiction—that of the university and King's College. The few stray references to the college court which occur in the town council minutes comprise all that we know about it, and it seems to have died out in the course of the seventeenth century. In 1677 King's College agreed that the inhabitants of College Bounds should be subject to the city jurisdiction, 'saving the rights of the college,' and, in 1688, College Bounds came under watch and ward with the rest of the town. An antiquarian professor, in 1710, tried to revive the university jurisdiction, but the baillies succeeded in pacifying him within a week. The name 'College Bounds' is now the only relic of the jurisdiction of the university. Mr. Munro, who is one of the most learned of Scottish antiquaries, has admirably performed the work of selecting and editing. His knowledge of Scottish history is not bounded by the limits of local research, and his book is invaluable to the student of Scottish institutions.

ROBERT S. RAIT.

Bibliografie České Historie. Sestavil ČENĚK ZIBRT. Díl První.
(Prague: 1900.)

THE extensive work of which this is the first part appears under the auspices of the Bohemian Academy. It promises to be a monument of erudition and industry. It is a bibliography of historical works relating to Bohemia and the collateral subjects. The history of the literature is first dealt with, and here among the learned labours of Dobrovsky, Pypin, Spasowicz, Jungmann, and others may occasionally be found a work by one of our own countrymen, although but few of them have occupied themselves with things Bohemian. In 1832 Sir John Bowring published his 'Cheskian Anthology,' as he termed it. The book was not without its use, for it showed Englishmen that there was such a thing as Bohemian literature. The work of Teresa von Jacob, who wrote under the *nom de guerre* of Talvj, appeared in 1834, and was reprinted in 1850. It was invaluable at the time when it was published, although it was little more than a translation of Schafarik's 'Geschichte der Slawischen Sprache und Literatur.' The second division of Mr. Zibrt's book treats

of the labours of the printing press among the Bohemians. The works which have been published on the Austrian censorship in the country are also interesting. The censorship existed till quite recently, and when the history of Palacky appeared this work contained great gaps, which were only filled up in supplementary volumes published a short time before his death. A considerable space is allotted to the interesting works of the Jesuit Balbin, who, although living in the seventeenth century, in the most degraded period of the language and literature, preserved the enthusiasm of a true patriot. Some of his writings, however, were not published till a century after his death.

The book of Mr. Zibrť is astonishingly copious. Not only does the compiler cite the best works on particular subjects, but even the reviews in which the best articles on those subjects may be found. Silesia and Lusatia are included in these lists, because those countries formed for a long time a part of Bohemia. The references to *Bohemica* in the British Museum are minute. We imagine that these have been carefully investigated by Professor Mourek, of Prague, and Dr. J. Kvačala, of Yuriev (Dorpat). Many of them relate to Comenius. A large part of this handsome volume is taken up with a kind of historical peering of Bohemia. In conclusion we may mention that there are some interesting books of travel by Englishmen on Bohemia before the present century, such as those of Edward Brown (1678), Lady Mary Wortley Montague (1781), and J. Marshall, *Travels in the 'Years 1768, 1769, and 1770 (1772).'*

W. R. MORFILL.

Dr. T. Miller Maguire in his *Outlines of Military Geography* (Cambridge: University Press, 1899) has written some good introductory chapters on the importance of this science in relation to strategy and sea power. But he seems to be unable to explain details. He turns from Hannibal and Alexander to Napoleon and the Prussians with bewildering frequency, and never concentrates himself on one piece of country and the influence of its natural features in various campaigns. A student might grasp from his book some valuable hints and many isolated facts of considerable importance, but would not greatly profit by using it as a text-book.

N.

Herr Paul M. Meyer's *Das Heerwesen der Ptolemäer und Römer in Aegypten* (Leipzig: Teubner, 1900) is a valuable and excellent but not altogether a readable or reviewable book. Utilising the abundant evidences provided by recent discoveries of papyri, the author describes first the army of the Ptolemies and then that which garrisoned Egypt under Roman imperial rule. But his description is not such as one could sit down and peruse straight off. It is a compressed summary of the details known concerning these two subjects, with abundant references, quotations, footnotes, and indices. It is exactly what a man wants when he desires to hunt up some detail respecting the Ptolemaic or the Romano-Egyptian armies, but not quite when he desires to get a clear general idea of either of these matters, and it is a pity that Herr Meyer did not add to his volume a couple of 'general' chapters, of which the proofs would be found in the abundant

details provided in the rest of his work. But apart from this criticism one has nothing but praise for the work. It is minute, and, as far as I can judge, accurate and complete. All students of the Roman empire and the Roman army should look at it.

F. H.

We are glad to see that Count Ugo Balzani's useful guide to the authorities for medieval Italian history, which originally appeared in English, has reached a second edition in Italian (*Le Cronache Italiane nel Medio Evo*. Milan: Hoepli, 1900). So far as we can judge the book has throughout been revised in accordance with the most recent publications. The account of Jamsilla, however, needs supplementing. The title of the work is, it should be explained, too narrow; for Count Balzani deals not only with chronicles, but with other materials that illustrate history, such as the works of Ennodius, the register of Gregory the Great, the so-called registers of Farfa and Subiaco. He stops short in the fourteenth century; but his treatment of the last portion is inadequate. For example, Albertino Mussato's 'Historia Augusta' is described, but not the 'Relatio' of Nicolas of Butrinto. The work throughout is cast in a popular style, but the full and exact references in the notes make it valuable to students. It is to be hoped that the count may one day enlarge it and carry it down at least to the early part of the fifteenth century.

O.

Professor C. W. Colby, of McGill University, Montreal, has put together a volume of *Selections from the Sources of English History* (London: Longmans, Green, & Co., 1899), which will do excellent service in imparting a little more life and colour to the necessarily concise narrative of the text-books read in schools. The extracts, which number nearly one hundred and twenty, range over a wide variety of subjects from Galgacus's speech to 'the character of a coffee house' and the Berlin decree. The editor's short prefatory remarks and notes to each extract are judicious and well-informed. The only fault we have to find with him is that a general introduction of twenty-six pages was hardly required, and that he has been often content in the earlier extracts to adopt Dr. Giles's not too faithful versions in preference to providing new ones of his own. The translation, for instance, of the well-known clause of Henry I's charter of liberties exempting from burdens the demesne lands of tenants by military service loses its point when *per loricas* is turned vaguely 'by service.' The notes are usually correct, but the inference drawn (p. 115) from Joan of Arc's statement that her voices prompted her to leave Domremy and go to France rests on a misunderstanding. Mr. Colby says, 'Such was the effect of feudal subdivision that to a native of Domremy—situated on the confines of Champagne and Lorraine—France seemed a foreign country.' Of course France is here used in the earlier local sense, of which its wider application is only an extension.

J. T.

The life of St. Desiderius, the great bishop of Cahors, treasurer of Chlothochar II and Dagobert I, and brother of St. Rusticus, was well worthy of the pains which M. R. Poupardin has bestowed on the edition now issued in the 'Collection de Textes pour servir à l'Enseignement de

l'Histoire' (*La Vie de Saint Didier*. (Paris: A. Picard, 1900). It is a characteristic and valuable memorial of the seventh century, where memorials are few. After meeting the criticisms of M. Molinier on the value of the 'Vita' M. Poupardin shows strong reason for believing that the author, if not a contemporary, made use of many authentic documents. His own view is that the book was written at the close of the eighth or beginning of the ninth century by a monk of St. G ry at Cahors, and based upon an original and authentic life. In his prefatory notice M. Poupardin argues in favour of dating the saint's birth about 590; in an appendix he makes it very probable that his birthplace was the chief city of the Antobroges, i.e. in that part of the district of Rodez and Albi which verges on Toulouse. In the life itself there are several points of interest—such as the letters of the saint's mother, which, by the way, make one regret that the letters of St. Desiderius were not here issued together with the life. The dates, it is to be observed, are noted not only by the years of the Frankish kings, but according to the reign *pissimi Eraclii imperatoris*. The editor's notes are concise and pointed, and his index is excellent.

W. H. H.

The first volume of the *Monumenta Novaliciensia vetustiora*, which has appeared in the series of *Fonti per la Storia d' Italia* (Rome: Istituto Storico Italiano, 1898), is edited with excellent skill and learning by Count Carlo Cipolla. The larger part of it consists of a cartulary running to the end of the eleventh century, with an appendix of documents down to 1233. Of the ninety-eight diplomas printed or calendared in the earlier series only twelve seem to be published for the first time; but the texts are throughout edited from the best available sources, many of them from originals, and are accompanied by valuable critical notices in cases where forgery or interpolation may be suspected. The document on pp. 106–7 is a good instance of clever reconstruction of a fragmentary text. The collection furnishes highly instructive materials for diplomatic study, since the abbey of Novalaise occupied an interesting position through its relations with the Frankish kingdom on the one side and the see of Turin on the other. The editor gives just the information which is required and hardly ever goes astray. As an exception we may note that on p. 251 he appears surprised that a bull of Eugenius III of 9 Feb. 1152 should be dated 1151, forgetting the use of the *stylus Florentinus* in that pontiff's chancery. A number of photographic facsimiles add to the value of the work. The rest of the volume is occupied chiefly by necrologies, liturgical texts, and lives of St. Eldrad and others. At the end is a description of Novalaise manuscripts now dispersed. To these must be added a troper in the Bodleian Library (Douce MS. 222) once belonging to the monastery, of which the origin has been doubted without reason.

R. L. P.

Mr. W. H. Hutton's *Short History of the Church in Great Britain* (London: Rivingtons, 1900) is written with full knowledge, proper proportion, and wise compression. Here and there in minor matters (such as the dates in the life of Wycliffe) a revision might remove a few defects, but the general accuracy and judgment can be trusted. It may

be explained that the term Great Britain is advisedly used, because the church history of Scotland is also treated, and treated well. This adds considerably to the value of the book. It also brings the treatment of the subject down to our own days. P.

The mathematical works of Gerbert, Pope Sylvester II, would not naturally call for notice in the ENGLISH HISTORICAL REVIEW, but the edition of them recently published by Professor Nicolaus Bubnov, of Kiev (*Gerberti postea Silvestri II papae Opera mathematica*. Berlin: Friedländer, 1899), is so important a contribution to the history of medieval science that it cannot be left unmentioned here. The editor has taken Gerbert as the central figure among the mathematicians of the earlier middle ages, and has investigated with equal labour the materials upon which he worked and the tradition which he left to his successors. He devotes 160 pages to an elaborate dissertation proving that the geometry of the post-Boethian centuries is based upon the treatises of the Roman *agrimensores* or *gromatici* (pp. 394-553). Nor is he less successful in his argument against the authenticity of the 'Geometria' attributed to Boethius. The forger of this work wrote in the eleventh century, and learned all he knew from Gerbert, whose name he artfully concealed under the guise of Archytas of Tarentum. The actual mathematical writings of Gerbert occupy less than one-third of the contents of the present edition, for Professor Bubnov rejects the later portion (cap. xiv.-xciv.) of the 'Geometria' (pp. 310 ff.) But this, and indeed all the necessary materials, he prints in full, after an examination of nearly a hundred manuscripts which may be almost taken as exhaustive. If we have any complaint to make about the form in which his results are presented, it is that the symbols by which the codices are designated, and the method of reference to other places in his own volume, are a little over-complicated and at first difficult to understand. Besides the mathematical works Professor Bubnov publishes eleven of Gerbert's letters which bear upon scientific matters (pp. 98-106), and his notes on these and on various other passages (*e.g.* pp. 1, 24-6, 36, 41, 46, 149, 297, 376-93) are of great value for the study of the author's biography. Other notices of interest for literary history concern Abbo of Fleury (pp. 7, 197), Adelard of Bath (pp. 174 f.), Adelbold of Liège (pp. 41 f., 227), Constantine of Micy (pp. 6, 25 f.), Heriger of Lobbes (pp. 41 f., 205 ff.), Hermannus Contractus (pp. 109 ff.), Notker of St. Gall (p. 297), Wazo of Liège (p. 244). The remarks on the diffusion of mathematical science by the Arabs (pp. 109, 114, 174, 370 ff.) are important. Professor Bubnov holds that Gerbert and his contemporary Abbo obtained their knowledge of the abacus from non-Arabic sources, but he admits that Gerbert borrowed the nine digits from the Arabs. For the purpose of the abacus, he says (p. 276), zero was not required, and therefore this essential element of the Arabic (or rather Indian) system was ignored. It came into occasional use just after Gerbert's time, was applied to the abacus nearly a century later, and finally was employed by the writers on algorism in the same way as we employ it now. Here and there we are not quite convinced by the arguments of the learned Russian. When, for instance, Gerbert wrote 'M. Manlius' (p. 103), it seems more likely

that he meant Manilius, whose poem was not unknown, and was indeed carefully studied (*e.g.* by Bernard Silvestris), in the twelfth century, than 'Anitius Manlius,' *i.e.* Boethius; and the suggestion (p. 215) that Adelard of Bath refers under the form 'Gybertus' not to Gerbert but to Gilbert de la Porrée, ingenious as it is, requires corroboration. But of the amazing research to which every page of the book bears witness there can be but one opinion. We are thankful that in forsaking his native tongue for Latin Professor Bubnov has brought his admirable work within the range of students ignorant of Russian.

R. L. P.

The sixth of the lavishly illustrated and wonderfully cheap monographs *zur Weltgeschichte* edited by E. Heyck is *Das ältere deutsche Städtewesen und Bürgerthum* (Bielefeld: Velhagen & Klasing, 1896). The letterpress, by Professor Georg von Below, is not, of course, primarily addressed to scholars, but they will be glad to have a general review of German municipal life from the pen of so eminent an authority. Most of the hundred and forty illustrations are good photographs either of old town plans and engravings of buildings or of actual medieval survivals in towns like Rothenburg and Hildesheim. They are sufficiently numerous to afford an excellent basis for comparison of styles at different places and dates. The number of town-halls figured, for instance, is no less than twenty-five.

J. T.

It seems hardly necessary to do much more than chronicle the appearance of another volume of the abbé P. Feret's exhaustive History of the Theological Faculty of Paris, of which previous volumes have been already reviewed in these pages—*La Faculté de Théologie de Paris et ses Docteurs les plus Célèbres* ('Epoque Moderne.' Tome premier, 'XV Siècle: Phases Historiques.' Paris: Picard, 1899). The present volume contains the history of many interesting episodes—the struggle of the university with the Jesuits, the judgments of the Faculty upon protestantism and upon various expressions of opinion inclining in that direction, the opposition of the university to the concordat of 1516, its judgment upon the divorce of Henry VIII. As a record of facts the book is eminently serviceable, and the expressions of opinion are moderate.

Q.

The Peasants' War in Germany, 1525-1526, by E. Belfort Bax (London: Swan Sonnenschein & Co., 1899), gives, on the whole, a very fair account of its subject. The narrative is clear, and follows good authorities: some prepossessions on the writer's part, especially a strong dislike of Melancthon, a little spoil its value; there seems, however, no reason why this reformer should hope to escape a fate which (as we gather from the preface) has equally overtaken an anonymous critic of a former work by the same author.

R.

Mr. A. W. Fox's *Book of Bachelors* (London: Constable & Co., 1899) contains the lives of ten persons who flourished in the sixteenth and seventeenth centuries and were all distinguished by the fact that

they never married. The author is most successful in his treatment of persons who played no part in public affairs, and the best of these miscellaneous essays are those on Henry Peacham and Andrew Boorde. His lives of Lancelot Andrewes and George Abbot scarcely do justice to either. That of the latter especially compares unfavourably with Mr. Sidney Lee's article on the same man in the 'Dictionary of National Biography.' Mr. Fox makes no reference to this article, and nowhere adequately expresses his obligations to the 'Dictionary.' It is not enough to describe it vaguely as a 'monumental' work in his preface and to omit any direct acknowledgment in his footnotes. For the rest these essays are agreeable reading, though they usually begin with a page or two of tedious and unnecessary general observations. The illustrative extracts from the writings of the men whose characters he draws are often very happily chosen, as, for instance, in the essays on Cowley and Burton. On the other hand these articles do not contain either new information or any very profound or original criticism. If Mr. Fox had studied some group of men connected by a less artificial tie, he would have produced a book of more historical value. S.

Mr. Howard Jenkins's *Family of William Penn, Founder of Pennsylvania* (Philadelphia, 1899; sold by Headley Brothers, 14 Bishopsgate Without, London), is a very careful account both of the ancestors and descendants of the great Quaker. It is also illustrated by a number of family portraits of considerable interest, and contains many family letters hitherto unpublished. Some points in the life of Penn himself are elucidated by new evidence; the curious certificate of his second marriage (p. 69), the date of his attack of apoplexy (p. 81), supply examples of this, and the Penn pedigree is frequently corrected. In short this is a useful and scholarly piece of work, though from the nature of the subject and the materials rather disjointed and difficult to read. T.

Dr. Gustav Roloff in his *Napoleon I.* (Berlin: Georg Bondi, 1900) has summarised the emperor's career with clearness and competence in a small volume of some two hundred pages. He has obviously assimilated the results of a great deal of recent research, though the plan of his work forbids footnotes. The moralist will dissent from many of his judgments, which are almost uniformly favourable to the subject of his biography. The historian will regret that he has not modified his extremely unfavourable verdict of Sir Hudson Lowe (whose title is improperly given) in the light of the evidence marshalled by Mr. R. C. Seaton. To describe both Cambacérès and Lebrun as *hervorragende Juristen* is to give Lebrun more than is his due. And we dissent from the thesis that the St. Helena memoirs are not more inaccurate than the ordinary run of memoirs written some time after events which they record. But in the main this is an excellent little book, very well proportioned, very decided, and characterised by a due intermingling of reflexion and narrative. V.

The late Mr. Henry Cobbe's *Luton Church* (London: Bell, 1899), a thick volume of 692 pages, contains but a portion of the large collections

for the parochial history of Luton gathered in the course of a long life. Of the two parts now published the first only was corrected by the author's own hand; the second part consists of 280 pages of appendices, containing those excursions which were too long for footnotes. The book will be of high value to students of Bedfordshire topography, and indeed to students of church history generally, for it is the work of a scholar of considerable learning and unbounded industry. That Mr. Cobbe pursued his inquiries with activity to the last year of his life (he died in 1898, aged eighty-one) is made evident by the references to authorities who have but lately given their collections to the world. It is only here and there that some modern discoveries will be found to have been overlooked. It is to be regretted that those who have issued the work have not allowed themselves liberty to lop and prune freely, for the mass of undergrowth in the shape of superfluous footnotes, &c., tends to obscure the reader's view of what are really stately avenues of research. The index is very inadequate, and a map should have been provided.

M. B.

A history of *The Chapel of Stretford*, two miles south-west of Manchester, edited by H. T. Crofton, is published by the Chetham Society (1899). As many as five antiquaries who are now no more were at one time or another answerable for publishing these materials, and the reason for delay is not hard to seek, for the volume does not repay the trouble that has been taken over it. The bulk of the work consists of extracts from the parish registers, which date from 1598, but it does not appear that these are made upon any satisfactory principle. The most interesting passages in the rest of the volume are excerpts from other volumes of the Chetham Society, selected as relating to Stretford. There is an admirable index, but the matters chronicled in the text are too often undeserving of a place in the most spacious historical lumber-room. We learn, for instance, that the present rector has three sons and five daughters, what are the occupations of the three sons, and that four of the five daughters are married.

M. B.

Students of local history will welcome the first volume of the long-expected *Index to the Charters and Rolls in the Department of Manuscripts, British Museum* (printed by order of the Trustees, 1900), a work which has been in progress for very many years and which now appears under the editorship of Messrs. H. J. Ellis and F. B. Bickley. The present volume is an *index locorum* limited to the British Isles, including the Channel Islands. It reveals the richness of the British Museum in some directions and its poverty in others; thus there are only two entries, both of the thirteenth century, under the head of Lichfield, while Oxenton, a small village in Gloucestershire, has no less than twelve referring to thirty-five documents. Still, in England at least, every county is thoroughly represented, and the index should, as a matter of course, find a place in all public libraries. The work, wherever we have been able to test it, seems to be well done. A special feature, which deserves notice, is the care with which the various forms of place-names are regularly given as they occur, and also repeated in cross-

references. The number of places unidentified is not large, but we think that a closer examination of the originals might have reduced it; for example, Wich or Wichia, cited as doubtful, is apparently Droitwich.

W.

Professor W. Macdonald, whose volume of *Select Documents illustrative of the History of the United States* was reviewed by us in October 1898 (vol. xiii. 809), has published a volume of *Select Charters and other Documents illustrative of American History, 1606-1775* (New York: the Macmillan Company, 1899), which appeals more directly to the English reader. Although the documents here collected will be familiar to students, they have never been arranged together in a convenient manner, and some of them have had to be searched for in out-of-the-way tomes. The convenience is great in having the full text of the various Navigation Acts, without having to seek it in the Statutes at Large. The series opens with the first Virginia charter, and closes ominously with the Act of 1775 prohibiting traffic and intercourse with America. The introductions, though very short, are adequate, and at the end of each there is a useful list of authorities. H. E. E.

The Expansion of the British Empire, by the Rev. W. H. Woodward (Cambridge: University Press, 1899) deserves a welcome. Sir John Seeley would have rejoiced to see the field of study he opened out recognised in the curriculum for students preparing for the Queen's scholarship and certificate examinations. Of course a book of this kind has its dangers. It will, however, not be Mr. Woodward's fault if his book be put to base uses. His evident enthusiasm and the freshness of his style prevent his epitome from being dull. In a work covering so much ground, there must be some slips or errors. Lord Durham did not recommend the union of the two Canadas 'pending a broad federation of the whole group of territories.' He considered and deliberately rejected the alternative of federation as against union, on the ground that it was necessary that the French nationality should be swamped by being merged with an English majority. He looked forward to a union, not a federation, of the different provinces of North America. He did not recommend as a remedy 'an intercolonial railway.' He rather showed how the making of a railway between Halifax and Quebec, the importance of which he fully recognised, would in fact produce relations between those provinces that would render a union necessary. Lord George Germaine became a peer, but not under the title of Lord Germaine. Captain Grey was not, as seems here implied, the first governor of South Australia. It is not true that 'the (New Zealand) constitution of 1852 has not been seriously modified.' The abolition of the provincial governments in 1876 was generally considered a revolutionary change. H. E. E.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to Mr. E. L. Poole, at Oxford, by the first week in March, June, September, and December.]

- The Syriac 'Testament of our Lord':* by W. H. KENT.—Dublin Rev., N.S., 34. *April*.
The Testament of our Lord—II: Its connexion with the school of Apollinarius of Laodicea.—Church Qu. Rev. 99. *April*.
Interpolations in the breviary of Theodosius: by T. MOMMSEN.—N. Arch. xxv. 2.
On the text of the 'Lex Burgundionum': by K. ZEUMER [who holds, against Bluhme, that the shorter form is the earlier, and attaches special importance to the Ivrea and Wolfenbüttel MSS. The text is that of the republication of the law of Gundobad by Sigismund in 517. The titles 89-105 are supplementary or amending novellae issued by Sigismund.]—N. Arch. xxv. 2.
Catalogue of Greek hagiographical manuscripts in the Barberini library at Rome.—Anal. Bolland. xix. 1.
George, monk and presbyter, an unknown writer of the seventh century: by F. DIEKAMP [giving unedited Greek calendrical matter relative to the Easter cycle].—Byzant. Zft. ix. 1.
The lives of the abbats of St. Wandrille: by W. LEVISON [on the dates of their composition and their sources].—N. Arch. xxv. 2.
The two lives of St. Ansbert, bishop of Rouen: by E. VACANDARD [who considers the parts common to both to represent a work written c. 700, and the 'Vita amplior' to be nearly a century later].—Rev. Quest. hist. lxvii. 2. *April*.
The Carolingian Annals of the eighth century: by F. KURZE [on the sources and affinities of the Autun 'Chronicon universale' to 741, written before 761 and only revised in 800-801; and on the structure and authorship of the first part of the Royal Annals, &c.].—N. Arch. xxv. 2.
Old school verses of the Carolingian time: printed by L. TRAUPE.—N. Arch. xxv. 2.
On the history of rhythmic poetry: by P. VON WINTERFELD.—N. Arch. xxv. 2.
Notes on manuscripts of collections of canons: by C. H. TURNER [dealing with those which passed from the college of Clermont chiefly into the hands of Meerman].—Journ. Theol. Stud. i. 3. *April*.
The 'Apologeticum' of Ebo of Rheims: by A. WERMINGHOFF [who prints a new text from a transcript by Sirmond].—N. Arch. xxv. 2.
A document of Charles of Burgundy [859]: by E. MÜHLBACHER.—N. Arch. xxv. 2.
On the Continuator of Regino: by H. BRESSLAU [who argues in support of Giesebrecht's identification of the writer with Adalbert archbishop of Magdeburg, and of T. von Sickel's suggestion that he was a notary in Otto the Great's chancery].—N. Arch. xxv. 2.
Otto the Great's diploma for the Roman church: by E. SACKUR [who holds that the existing document represents the 'privilegium' drawn up for John XII modified to suit the conditions under Leo VIII].—N. Arch. xxv. 2.
The privilege of Henry II for the Roman church: by H. BLOCH [analysing the transmission of the text].—N. Arch. xxv. 2.
On three canonical collections of the latter part of the twelfth century, in the British Museum and in the Phillips library [described by K. HAMPE in vol. xxii. 387 ff.]:

- by E. SECKEL [who gives identifications and corrections, with tables showing concordances with parallel collections].—N. Arch. xxv. 2.
- Notes on documents illustrating the history of the Hohenstaufen at Cremona and Parma*: by H. SIMONSFELD [who also corrects the date of the diploma granted by Henry (VII) son of Frederick II to Adelberg from 'II kal. Sept.' to 'IX kal. Sept.' 1228].—N. Arch. xxv. 2.
- On John Kantakuzenos*: by J. DRÁSEKE.—Byzant. Zft. ix. 1.
- On the sources for the biography of St. Francis of Assisi*: by S. MINOCCHI [giving a critical examination of the 'Legenda trium Sociorum'].—Arch. stor. Ital., 5th ser., xxiv. 4.
- Studies in George Akropolites*: by A. HEISENBERG [comparing the manuscripts].—SB. Akad. Wiss. München (phil.-hist. Cl.), 1899, ii. 4.
- Memoir by Foulques de Villaret, grand master of the hospital, on the crusade* [c. 1305]: printed by J. PETIT.—Bibl. École Chartes, lx. 6.
- Bernardus Guidonis 'de Vita prima et Miraculis b. Benedicti Papae XI.'*—Anal. Bolland. xix. 1.
- Report of Petrus BARRIERE on negotiations between the pope and Philip IV* [1313]: printed from the Vatican archives by J. SCHWALM.—N. Arch. xxv. 2.
- The poem on the taking of Constantinople* [1453]: by S. P. LAMBROS [who gives a collation of the unique Paris MS., Gr. 2909].—Byzant. Zft. ix. 1.
- Two letters of Jean Jacques Rousseau* [1759]: printed by E. RITTER.—Bull. Soc. Hist. Protest. Franç. xlix. 5. May.
- Byzantine studies in France*: by C. DIEHL [who surveys the work done by French Byzantine scholars from Ducange downwards].—Byzant. Zft. ix. 1.
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- Noble Christian families in Rome under the pagan emperors*: by J. A. CAMPBELL.—Dublin Rev., N.S., 34. April.
- The historical St. George*: by J. FRIEDRICH [who identifies him with the bishop of Alexandria set up in opposition to St. Athanasius, and examines the growth of the legend about him].—SB. Akad. Wiss. München (phil.-hist. Cl.) 1899, ii. 2.
- Julian as Caesar; the beginning of his reign*: by P. ALLARD.—Rev. Quest. hist. lxxvii. 2. April.
- The emperor Julian and Jerusalem in 363*: by sir J. M. CAMPBELL [discussing the possible causes of the fire which stopped the rebuilding of the temple, and suggesting the use of naphtha].—Scott. Rev. 70. April.
- The Huns of the Volga and Hiung-nu*: by F. HIRTH [adducing the Chinese evidence for their identification].—SB. Akad. Wiss. München (phil.-hist. Cl.), 1899, ii. 2.
- The legendary ship of St. Antoninus, apostle and martyr of Pamiers*: by C. DAUX.—Rev. Quest. hist. lxxvii. 2. April.
- St. Adalbert of Egmond*: by C. PIJNACKER HORDIJK [who holds that, while it is probable that the saint succeeded Willibrord as abbot of Echternach, all the details of his life and connexions depend upon late and suspicious sources].—Bijdr. vaderl. Geschied. en Oudheidk., 4th ser. i. 2.
- On the medieval topography of Constantinople*: by I. P. MELIOPULOS.—Byzant. Zft. ix. 1.
- The papal state and the Carolingians*: by W. SICKEL [who discusses the legal and political issues involved in the treaties of 754 and their sequel].—Hist. Zft. lxxxiv. 3.
- Studies on medieval weights and measures*: by B. HILLIGER. I [on the Cologne mark and Carolingian pound].—Hist. Vierteljahrschr. iii. 2.
- On the use made by Nicolas I of the pseudo-Isidorian decretals*: by A. V. MÜLLER.—N. Arch. xxv. 2.
- On Otto the Great's second visit to Italy*: by K. HAMPE [who collates the evidence found in hagiological works].—N. Arch. xxv. 2.
- On the history of the penitential system in the eastern church*: by H. KOCH [on the relations of Symeon 'the new theologian' to the pseudo-Dionysius].—Hist. Jahrb. xxi. 1.

- The doctrines and influence of Joachim of Flore*: by P. FOURNIER.—Rev. Quest. hist. lxvii. 2. *April*.
- The beginning of the year in papal documents of the thirteenth century*: by M. TANGL.—Hist. Vierteljahrschr. iii. 1.
- The beginnings of the postal system [1425-1562]*: by J. RÜBSAM.—Hist. Jahrb. xxi. 1.
- The antecedents of the league between Bern, Fribourg, and Savoy [20 Aug. 1477]*: by G. TOBLER, with documents.—Anz. Schweiz. Gesch. 1900, 1.
- On the history of Alexander VI*: by J. SCHNITZER [quoting notices from the manuscript chronicle of Piero Parenti, showing how well informed the Florentines were of the goings on at Rome].—Hist. Jahrb. xxi. 1.
- England and Transylvania*: by D. ANGYAL [on the policy pursued by England towards the independent princes of Transylvania].—Századok, xxxiv. 4-6.
- The foreign trade of Hungary under Leopold I*: by A. TAKÁRS [dealing with the Indisch-Orientalische Compagnia, the schemes of Zacharias Sedgewick, Vecelli in London, &c.].—Gazd. tört. Szemle. vi. 8-10.
- Marshal Keith*: by R. S. RAIT [who explains his sudden departure from Russia in the height of his power in 1747 by a sentence in an unpublished letter in the royal library at Berlin, implying that the empress Elizabeth had made Keith a proposal of marriage].—Scott. Rev. 70. *April*.
- General Jarry and the burning of Courtrai by the French army in 1792*; from unpublished materials: by A. DE GANNIERS.—Rev. Quest. hist. lxvii. 2. *April*.
- Bonaparte's successors in Egypt; Kléber and Menou*: by F. ROUSSEAU.—Rev. Quest. hist. lxvii. 2. *April*.
- The English before Constantinople and Alexandria in 1807*: by E. DRIAULT [chiefly from papers in the French foreign office].—Rev. hist. lxxiii. 1. *May*.
- Memoirs by count L. Bennigsen on the war with Napoleon in 1807, concluded*.—Russk. Star. *March*.
- On the history of the year 1809*: by P. BAILLEU [printing letters of queen Louisa of Prussia and others].—Hist. Zft. lxxxiv. 3.
- Gneisenau's journey to London in 1809*: by A. STERN, with documents.—Hist. Zft. lxxxv. 1.
- Napoleon I and the allies' plans of campaign in 1813*: by C. WAAS.—Hist. Vierteljahrschr. iii. 2.
- The 'great plan' of the duc de Polignac [1829]*: by A. STERN [printing the suggestions of Polignac for a revision of the map of Europe on the break up of the Ottoman empire].—Hist. Vierteljahrschr. iii. 1.
- Bismarck's conversations with Napoleon III in April 1857* [with reference to the Danish question]: by R. FESTER [who accepts Bismarck's account of them].—Hist. Zft. lxxxiv. 3.
- Chinese immigrants in Further Asia*: by F. W. WILLIAMS [a comparison between the methods of the English, French, Dutch, and Spaniards in dealing with the Chinese].—Amer. Hist. Rev. v. 3.

France

- The ancient custom of Brittany*: by M. PLANIOL [who gives a critical text of the custom with notes and appendices].—Ann. de Bretagne, suppl. 1896-1900. (Bibliothèque Bretonne-Armoricaine, ii.)
- The ordinance of Philip Augustus for a tithe for the crusade*: by A. CARTELLIERI [who argues, against A. Luchaire, for the date 1184, not 1185]. A reply by M. Luchaire is subjoined.—Rev. hist. lxxiii. 1. *May*.
- Fragment of an historical poem of the fourteenth century*: printed by L. DELISLE.—Bibl. École Chartes, lx. 6.
- The administration of the duchy of Brittany under duke John V [1399-1442]*: by C. BELLIER-DUMAINE. II. [showing how this duke established his jurisdiction over all the duchy at the expense of the seignorial courts, and constantly attempted to encroach on the ecclesiastical courts].—Ann. de Bretagne, xv. 3, continued from xiv. 4.

- Two letters of Catherine de Medicis* [1582, 1584]: printed by G. BAGUENAUT DE PUCHESSE.—Rev. hist. lxxiii. 1. *May*.
- Madame de Maintenon*: by H. GELIN [who gives grounds for believing that she as herself never a huguenot, and illustrates her activity in promoting the conversion of protestants].—Bull. Soc. Hist. Protest. Franç. xlix. 4, 5. *April, May*.
- The political ideas of the duke of Saint-Simon*: by H. SÈE.—Rev. hist. lxxiii. 1. *May*.
- Marel's letter to Caulaincourt of 19 March 1814*: by A. FOURNIER.—Hist. Vierteljahrschr. iii. 2.
- The life and works of count Louis de Mas Latrie* [†3 Jan. 1897]: by H. WALLON.—Bibl. École Chartes, lx. 6.

Germany and Austria-Hungary

- On the forged charters of exemption for the monastery of St. Emmeram at Ratisbon*: by J. LECHNER [dealing with the spurious Carolingian privileges].—N. Arch. xxv. 2.
- On the draft of a diploma of king Arnolf for St. Gallen* [2 July 892]: by M. TANGEL. N. Arch. xxv. 2.
- Treves forgeries of the tenth century*: by A. DOPSCH.—N. Arch. xxv. 2.
- On Thangmar's 'Vita Bernwardi Episcopi'*: by J. B. DIETERICH [analysing its composition].—N. Arch. xxv. 2.
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KELTIC elements enter largely into the composition of the Basque, whether a native of Soule Labourt or of French or Spanish Navarre. To a less degree are they to be traced in the man of Béarn or Bigorre, the latter of whom in many respects more nearly approaches the Basque type. In consequence of the comparatively peaceful and secluded lives these populations have led, and of their common descent, their characteristic institutions are very similar, while they differ considerably from those of the neighbouring Gascon Provençal, or man of Catalonia, in some of whom, notwithstanding, a still stronger Keltic strain is traceable, owing to their land having been frequently overrun by foreigners. As a fact, what strikes the student of medieval life in especial in Pyrenean as opposed (for example) to Gascon districts is, in the first place, the favoured position occupied in the former by women and slaves, as well as the consequent mildness of the *patria potestas* and of marital control; and, in the second place, the sacrosanct character of the family and its home, notably among the Basques, and the resulting collectivist as opposed to individual tenure of land, marked traces of which exist to this day from inland Andorre to the Ocean at Hendaye. It has been customary to hold that chivalry, the outcome of feudalism, and Christianity evolved out of Roman civilisation, are chiefly responsible for these beneficent results. The truth is that neither the one nor the other force was here predominant, and that the good results were naturally evolved.

Thus it does not follow because we find in Aragon that feudalism abruptly changed the devolution of property—so that,

whereas in 1247 the noble father could do no more for a favourite son than give him a little larger portion than his brethren, in 1307 he had obtained the right to choose which son should succeed to the bulk of his wealth—that the operation of feudalism was equally far-reaching elsewhere. The same right developed itself under the Old For of Béarn,¹ and gave way in due course to the custom of primogeniture, but by no sudden wrench, and altogether apart from feudal influences. Again, in the Irish Brehon laws an equally potent agent was at work apparently upon feudal lines, which had in fact nothing whatsoever to do with feudalism. There an indigenous hierarchy sprang up by slow degrees by reason of the prevalence of the custom of *cheptel* or partnership in cattle, a custom also universal in the Pyrenees. This in due course as effectually broke up the ancient clan system as feudalism would have done in a much shorter time. For by its means a new association, of persons of wealth (in cattle obtained by war or depredation, which was then the chief form of wealth) and of poor freemen who took from them such cattle to agist, became at length established. In this instance there ensued none of the incidents of true feudalism; we may therefore infer that it had nothing to do with the change. But none the less surely, if not as sharply, was the tenure of land affected in this case as it was by the growth in power of a feudal aristocracy in Aragon, or in Hindustan by the British occupation. The latter case affords a further illustration, that what would at first sight appear rightly attributable to feudal causes operating by leaps and bounds was in reality brought about by other violent means. In the Pyrenees there was no action similar to that set up in India, with the consequent treatment by the conquerors of the zemindars and taloukdars, as if they were in reality life tenants of entailed estates. Such treatment caused at one stroke a transformation in the social order of that part of Asia, which it took little less than centuries of time to bring about in Europe. Another proof of the lack of force in Pyrenean feudalism is that local autonomy and the existence of the house community were to be seen down to a late date throughout most of this region, vestiges of which remain to this day in the mountainous districts of Upper Aragon, between Catalonia and Navarre.

Again, the position of women varied qualitatively in the different states and quantitatively also according to the rank of woman in each one of them, and is therefore hard to measure, whether we attempt to do so by a 'fundamental' or 'derived' standard. But regarded from the point of view of Roman law, and relatively to other regions, women of all classes in the Pyrenees during the middle ages occupied an exceptionally high position in comparison

¹ Old For, Rubr. xiii. art. 18.

with men of the same rank of life. Nor was this in any appreciable degree due to the influence of chivalry, and only in some small part to the power of Christianity. For at the same period we find both heresy² and treason treated here with exceptional leniency, a circumstance unusual elsewhere in medieval history.³ Probably the notion which, roughly speaking, here obtained, that woman was nearly the equal of man, was largely due to the important if not predominant part she played in pastoral life, and also to the general operation of collectivist principles which brought forth their fruit in due season.

The most interesting aspects of medieval family life in the Pyrenees, and particularly the unique position of their women, are to be noticed in the private law of the Basques. This is true of the Custom of Labourt (1514) in old French, in that of Soule (1520), and in the one belonging to Basse-Navarre (1622), the two latter in Béarnais patois. It is curious to note that not one of these Customs is in the language of the people to whom it belongs. The first two are apparently derived from the same primitive root, while the last shows traces also of the Old For of Béarn written in Béarnais (*circa* 1200); all three probably to some extent came from identical original sources. The same may be said of the customs of Barèges and Lavedan, both in Bigorre, and also of some others in the Landes. A prevailing feature in all alike, but notably in that of Soule, is the equality with which women are treated in the matter of succeeding to property, and generally in the family circle. This may be the result of the matriarchate which Strabo⁴ says existed among the Cantabrians, or proceed merely from the desire to uphold the family home which under the exigencies of a pastoral life is the most marked characteristic and object of Basque legislation. In Béarn, likewise, we find that property other than *biens nobles* went under the Old For (as was also the case in Bigorre) to the eldest child, whether girl or boy. By the New For⁵ the right of the eldest son to succeed in the case of all property is declared, but at the same time that of all eldest daughters already married expressly reserved. Nor is the reason for this far to seek. Henri I had been trying in Béarn to substitute agriculture for a wholly pastoral life. In such a calling as the serious tilling of land as opposed to *petite culture*, the relative value of the services of individuals made itself at once apparent, and the average man, being stronger than the woman, got himself recognised as her superior *ad hoc*, and therefore as being the more likely

² The Rubrique de Blasphémateurs, a. 1443, prescribes for heresy a fine of 20 sols in Béarn.

³ M. Crackanthorpe, *Nineteenth Century*, Jan. 1900, p. 108.

⁴ Book iii. 4, 18; cf. *Inst. Cout. de Loysel*, no. 638, and Letourneau, *L'Évolution de la Femme*, p. 140.

⁵ Rubr. 43, Des Successions.

person to keep together family property. Still, we have many instances of women being 'neighbours' or heads of families, and when this was so they had the vote just like the men. Such was the case at Cauterets in the year 1316,⁶ where there would seem to have existed both manhood and womanhood suffrage. If further evidence be required, it will be found in the fact that portions were brought by the husband to the wife, just as by the wife to the husband, as long ago as in the time of the Cantabrians.⁷ Cordier, in 'Le Droit de famille aux Pyrénées,'⁸ also clearly establishes the similarity of the position of the sexes as regards hereditary primogeniture and matrimonial arrangements. The importance of this will at once become apparent if we compare the contemporary habits of other countries in this regard. There often a price was paid to the woman's family for her by her husband, or a *Morgengabe* given to her by him, 'because he had had pleasure in her beauty.' This must not of course be confounded with a marriage contract (which in itself conveys the idea of some equality on the part of the contracting parties) such as that of Gilbergue of Bigorre, to whom her husband Rami gave lands *à titre d'arrhe et de dot à cause de son amour et de la beauté de sa fiancée*.

It is true that in the For of Navarre, as noticed by Lagrèze,⁹ the 'purchase' of the wife is alluded to, as also the warranty of her virginity. These facts no doubt to some extent make against the case of the equality of woman that we are setting up, as of course does the widespread existence of *massipia* and *barraganía* (concubinage) both in Bigorre and Navarre. The same may be said of the *jus primæ noctis* (not to be confounded with that *unius noctis*¹⁰) which undoubtedly existed here and there, and notably at Louvie and at Bizanos,¹¹ of which the pretty folk-tale of the death-knell of the Lord breaking in upon the marriage bells at the prayer of the young bride Loubet of Soulan, and so releasing her from all fear of the exercise of the odious *droit du seigneur*, is some corroboration. But as against this barbarous custom, which was everywhere prevalent in some analogous form at the period of which we are writing, must be set the general esteem that women were held in, especially by the Pyrenean courts, which gave them a much better position than they had under the Roman law. In Rome women could not be present at the Comitia, could not be obliged to appear as witnesses, could not adopt children, and generally had not the *potestas*, or even complete contractual capacity. In the Pyrenees the *taula benedisent*, or woman who said

⁶ See the Bail à Fief given *in extenso* by Lagrèze, *Droit dans les Pyrénées*, p. 494.

⁷ Strabo, iii. 4.

⁸ Paris, 1859.

⁹ *Navarre Française*, ii. 173, 174.

¹⁰ See Barrechea, in *Dénombrement, &c.*, de l'Hôpital d'Ordi, in the *Archives des Basses-Pyrénées*, G 210.

¹¹ *Archives des Basses-Pyrénées*, B 834, B 850.

Benedicite at meals—that is, who was head of the family—was as good a witness as any man. It would appear, however, that unless she occupied that position she could not give evidence¹² except in certain cases, when she was heard by preference. This seems to show that in a pastoral country the circumstances of life had not brought her into the prominence she occupied, for example, in a community of sailors on the Breton coast, where during the long enforced absence of the man she necessarily took his place.¹³ On the other hand, it is difficult to find anywhere else except in Bigorre women exercising a right of asylum, similar to that afforded by churches and other religious places, or an assault committed before a lady punishable, as under the For of Navarre, by a fine of 500 sols.¹⁴ If we glance at the criminal law, we find the plucking a man's beard and pulling down a woman's hair regarded equally as offences, and conjugal infidelity often punishable in exactly the same way in the case of either sex, as by being driven ignominiously through the streets naked, and then put out of the city. It is, however, only fair to say that the punishment of putting a bit into the mouth of those who spoke evil of others appears to have been specially reserved for the gentler sex.¹⁵

Many other instances of the respect shown to women at this rough period might be given, as for example the provisions under the Old For of Béarn for protecting their *dot*, and securing it upon the husband's property and freeing it from all liability for his debts, some of which had previously existed among the Gauls.¹⁶ Most of these can be traced through the Theodosian Code up to the *Lex Julia de fundo dotali*, as they occur also in the Customs of Toulouse. But what we find no ground for attributing to dominant outside influences, except to some small extent to the general one of Christianity, are conceptions such as that in the For of Morlaas that husband and wife are two things in one body (that 'they twain are one flesh') and¹⁷ that the husband must 'clothe and find shoes for his wife, and give her meat and drink, and take care of her in health and in sickness,' and, finally, that to show respect to women in their maternal capacity, no seizure could be made in any house in which one lay in childbed. The idea of the *couvade*¹⁸ also, perhaps, illustrates the desire to assimilate the condition of husband and wife. It existed in Béarn, as did a

¹² Lagrèze, *Nav. Franç.* ii. 275.

¹³ As to this see Demolin, *Science Sociale*, Sept. 1890.

¹⁴ Lagrèze, *Nav. Franç.* ii. 363.

¹⁵ Schaeffer, *Hist. du Portugal*, p. 153.

¹⁶ Dupin, *Communes*, p. 7.

¹⁷ Rubr. xix. art. 335, Rubr. xciv. art. 292, Rubr. xlvi. art. 150.

¹⁸ *Bulletin de la Société des Sciences etc. de Pau*, 1877 and 1878, p. 74. Cf. the *Academy*, 16 Feb. 1884, p. 112, and Cordier, *L'Organisation de la Famille chez les Basques*, p. 24.

somewhat similar custom mentioned by Strabo¹⁹ among the people of Iberia. In brief, these among many other other provisions and customs in operation throughout the region under notice seem to justify Lagrèze's summary of the position of women: ²⁰ 'Michelet says that the customs of the olden times were generally unfavourable to women. If that were so, those of the Pyrenees form a curious exception. There the daughter of the house was treated as well as and often better than the son.'²¹

In the same districts the *patria potestas* was very limited in its extent. The main object of the head of the house was to have children and keep together the family home and property. What further derogated from his position was that not only might the head be a woman, but that, even when a widower, if he had a married child, and that child resided, as was usual, at home, if the father did not take proper care of the family property he might be deposed in favour of his child. Thus a right of co-seignory was established in the case of the eldest child if married with the consent of the father and sometimes even when married without.²² Another inroad made upon the *patria potestas* was the prohibition to alienate, hypothecate, or dispose by will of ancestral property without the consent of the person next entitled, and only with his consent if emancipated. Thus not only could the *potestas* be in the hands of a woman, but in any case it was strictly limited in extent. Nevertheless, there was no need to put in any one of the Basque Customs the exhortation to be found in art. 371 of the French Code Civil: *Que l'enfant à tout âge doit honneur et respect à ses père et mère*. Speaking generally of wardship among the Basques, as to which we find no written provisions in Navarre, woman or man, according as she or he was the survivor, became guardian of the children. If father and mother are both dead, and there are no grandparents, the eldest child, male or female, if over eighteen, is guardian of the rest. In other cases the guardians were legally appointed, one from the father's and the other from the mother's family. Between the ages of fourteen and eighteen the Basque child had a curator only, but on marriage he or she became emancipated. In Béarn likewise, on the father's death, the charge of children devolved upon the mother. But emancipation then took place (without reference to the concurrence of the parent) automatically, at fourteen for boys and at twelve for girls. Love of liberty among the peasant proprietors of Béarn was too strong to support the tyranny of the

¹⁹ Book iii. c. 17.

²⁰ *Droit dans les Pyrénées*, p. 66.

²¹ This was not so among the Gauls; marriage was sacred and *communauté de biens* recognised.—Dupin, *Communes*, p. 7.

²² Custom of Soule, Rubr. xxvii. art. 29; Custom of Labourt, Rubr. xii. art. 12.

Roman *patria potestas*. Yet the son, notwithstanding his early emancipation, could compel his father to lodge and feed him *pourvu qu'il n'eût pas de trop mauvaises mœurs*, unless such expense would entail the sale of family property. Here, again, we see that the conservation of family property overruled every other obligation.

In this connexion the subject of marital authority not unnaturally presents itself for consideration. In a word, among the Basques, if the husband was possessor of the home, he was master. If the wife, it was she who consented to the marriage of the children, and administered the family property. Such a state of things existed not even in the neighbouring state of Béarn. There we can gather to some extent the position from the following rules in the For de Morlaas :²³

If a man and woman are married, and after having lived together amicably they fall out through the fault of either, as, for example, if the wife commit adultery, and thereupon the husband summon her to return to him, or the wife the husband at the summons of the church : in such case, if the party summoned obey, no one must intermeddle. But if the husband was the first to blame, he has only to summon her if they have no children, and then she can ask for her *dot*. The reason is that he has to clothe her and find her in shoes, and give her to eat and drink, and keep her in health and sickness, for thus the Roman law orders.

And this she could require without waiting a year and a day.²⁴ But the husband could not part with any portion of his wife's property without her consent.²⁵ Further insight is afforded into the subject of marital control, if we compare the older Béarnais domestic legislation, *i.e.* that in force before 1552 with parallel provisions of Roman law. In this way it can be readily seen how the severity of the latter was mitigated by peculiar racial bias. In Béarn the wife and her property both passed under her husband's control. But he was enjoined to treat both her and it properly, 'for husband and wife are two things in the same flesh.' The husband could not alienate his wife's *dot* without her consent either under the *Lex Julia de fundo dotali*, or, as we have seen, under the Old For.²⁶ But by the former the wife was also prevented from agreeing to the hypothecation of her *dot*, which in Béarn she could do. Probably the idea was there, as in Navarre, that the family home must be kept up at all hazards, and that the wife in such case would be a safe judge of the wisdom or unwisdom of the proposed proceeding. Others think that hypothecation, *i.e.* the giving security upon a property the possession

²³ Rubr. xciv. art. 292.

²⁴ Old For of Béarn, Rubr. lxxxiii. art. 267.

²⁵ *Ibid.*, Rubr. lxxxviii. art. 278.

²⁶ *Ibid.*

of which was retained by the mortgagor, was unknown to the Béarnais lawgiver. The truer view is that the upholding of the family one and indivisible was the root idea in Béarn as elsewhere in the Pyrenees, as is well shown by a provision like the following: ²⁷ 'No man must instal a second wife in the property of his first wife, without the consent of the children of the first marriage.' By another regulation, ²⁸ 'If a husband part with his wife's linen and bed against her will, he must restore the full value, and the wife is to be believed upon her simple oath. If the wife can swear with hand and mouth that it belonged to her, she can get it back even though it has been sold.' Another peculiarity in relation to marriage law was, as we have seen before, the identity of punishment for man and woman for adultery, namely, that they should both be driven round the town naked, and afterwards banished. ²⁹ Further, the reasons for which a husband could repudiate a wife were peculiar. Besides consanguinity, 'if the father being a priest had baptised her, or if she were leprous, *ou si elle a l'haleine puante,*' she could be 'put away privily.' ³⁰ Widows were favoured in Béarn. They alone of women could, when heads of houses, in all matters give evidence in court. This was denied to other women, except in certain criminal cases in which they were outraged parties. But a widow upon re-marriage was restrained from all testamentary disposition without her second husband's consent, even though she had children by her previous marriage. She then became *nulle comme femme*, and lost everything she got from her first husband. But until second marriage, even though *elle fait largesse de son corps*, her first husband's friends after his death could not deprive her of his property, if she had children by him still alive.

Again, but a few words are required to explain the comparatively happy position of the slaves. Under Roman law the master had the right not only to the use of his slave and all he might acquire, but also to destroy or alienate him at his will. Though modified from time to time, especially as the force of Christianity became more and more far-reaching, the root idea remained that the slave was a captive kept (*servatus*) and not killed as he might have been if so desired. ³¹ Far different was the Pyrenean view. Lagrèze well says ³² that slavery in Bigorre did not display the same rigours as elsewhere, or else it got wonderfully modified *par le temps et les mœurs du pays*. Cadier, too, ³³ speaks of numerous enfranchisements of serfs in Béarn, due no doubt to the desire on the part of the barons in the fourteenth century to raise money.

²⁷ Old For, Rubr. lxxxiii. art. 270

²⁸ For de Morlaas, Rubr. xii. art. 21.

²⁹ Gaius, i. 52.

³⁰ *Les Etats de Béarn*, p. 74.

²⁸ *Ibid.*, art. 263.

²⁹ *Ibid.*, Rubr. cxxxvi. art. 357.

³² *Droit dans les Pyrénées*, p. 43.

Slaves thus got into the possession of the church, which then alone had funds to spare, and in its hands were even better off than they had been before. Gaston Phoebus, too, in 1387 considerably ameliorated their condition by reason of the inquiry he caused to be made with reference to them. The serf was either a *questal* proper, one who paid a tax to his master and might be in trade or not, or a *ceysal* attached to the land, which he followed as an accessory and for which he paid rent. In towns (as at Oloron), if a serf resided there a year and a day he became a free man.³⁴ Besides these there were the *esterlos*, or escaped slaves (cf. *hospites capitales*). These could not leave the land, but more could not be demanded of them in respect of that which they occupied than they could reasonably afford to pay. For example, they were not to be obliged to sell their oxen to pay the *queste*.³⁵

As the homestead was matter of first necessity to the family upon ceasing to be nomad, so villages or a collection of villages (*respublica*) were next developed by the common protective faculty of divers aggregations of individuals. Kings, nobles, and feudal rights had to be held at bay, and protection from these by *fueros* or *fors*, which were merely charters and privileges, was obtained in the case of many tribes or bands of families by dwelling together, just as was immunity from the attacks of robbers or wild beasts, while male members of a pastoral population were far away tending their flocks and herds, often by night as well as by day. The needs of such as these kept alive a spirit of interdependence, and continued patriarchal customs with reference to home life and the common holding of land, which was itself but the next step to the occupation by wandering tribes of a new district in which to settle. Usually land, whether pasture, wood, or waste, roughly speaking, got into the hands either of the tribe or village, or of a syndicate of 'neighbours' of some sort, wherever it had not been seized by any one over-masterful person. When the latter was the case, however, the others always managed to retain many rights over it: for instance, the right to run pigs in the lord's wood at Artiguelouve in Béarn, but not to pick up acorns, as that would be unfair to others having the same right.³⁶ Moreover, we find that it was chiefly in pastoral districts that a little bit of arable or garden ground was held by each family all to itself. The distinctive mark of the family was the house with its fire on the hearth. Note the penalty of 60 sols directed by the Fuero of Navarre³⁷ to be paid by the neighbour who refused another neighbour a light for his fire. When the family house devolved upon a woman, her husband was known by its name.³⁸

³⁴ For d'Oloron, art. 5.

³⁵ For de Morlaas, Rubr. lxx. art. 233.

³⁶ See *Etude Historique du Diocèse de Bayonne*.

³⁷ iii. 19.

³⁸ May not the maxim 'Nul Seigneur sans terre,' which universally obtained in Béarn, be rightly viewed in this connexion?

For the most part in this house, which usually went to the eldest son even after the father's death, the widow and all the unmarried children still made their home. The married sons and daughters, under their respective marriage contracts, had reserved to them the right of returning there in case of necessity, *avec droit à la chambre et aux herbes deu casau* (garden). Among the Basques the younger children had each their portion³⁹ given them by their elder brother, who assumed the rule of the house upon his father's death. An extreme case was the custom of Barège, under which the younger children became the so-called *esclaus* (slaves) of the elder brother,⁴⁰ and practically never quitted the home except to emigrate. Under the custom of Bigorre, the eldest child, male or female, inherited, just as certainly as to-day in Malabar inheritance runs in the female line.⁴¹ The principle was much the same as that in Borough English: namely, what was at the time considered best for the family. In the English township it was thought, as Littleton says, that the youngest son should have the tenements, as he was the one who 'may least of all his brethren help himself.' In the pastoral valley under the Pyrenees, the ægis of the eldest child was held to be the one that would best keep together the family home and property. In Ossau, and indeed generally throughout Béarn, it was the eldest son who succeeded, but, as we have seen in the case of nobles, each noble in Béarn originally chose which son he would to make his successor.⁴² But whatever was the exact rule as to the devolution of the demesne, it by no means follows that the system of house-communities, which no doubt did exist in Upper Aragon, can be correctly traced as existing in all pastoral districts, such, for example, as the valley of Ossau. There the *famille-souche* does not seem to have taken root as in the north of France, and it is mainly the patriarchal character of the people that has caused the adoption of this view by certain writers. Notwithstanding the sacrosanct character of the house (*lar*), as to which Mr. Webster, the greatest living authority upon Basque customs and folklore, has told us⁴³ that a victim was not infrequently immured in the Pyrenean dwelling, and that it was the asylum of but one family, its leading social characteristic was that it was represented by its head, male or female, and that such a one alone had any official status. He or she, as the case might be, belonged to the confraternity of neighbours or shareholders in the communal property, and as such had rights and duties peculiar to such office and position.⁴⁴ The neighbours were fined if they did not meet as a

³⁹ Custom of Labourt, Tit. ix. 18.

⁴⁰ Lagrèze, *Nav. Franç.* ii. 240.

⁴¹ *Nineteenth Century*, Dec. 1899. For d'Azun, art. 88, quoted in *Droit dans Les Pyrénées* p. 184.

⁴² Old For. Rubr. xii. art. 181.

⁴³ *Bulletin Sci. et Arts de Bayonne*, 1884.

⁴⁴ *Règlements d'Artiquelouve, Etudes Historiques du Diocèse de Bayonne*.

village parliament, when among other things they decided by lot what portions of common wood should not be cut (*bedat*). As an instance, the valley of Ossau owned pasturages in the Pont Long, on the other side of Pau, as well as much mountain land. The administration of these, to take an example in the case of a particular village, Aste-Béon, was in the hands of ninety-six members, there being there ninety-six fires. A tax used to be levied upon each fire, called *foegage*, and so *foec alugant* (*feu allumant*) came to denote a house, *i.e.* the thing which paid fire-tax. The neighbours, therefore, were heads of families living within a certain area. These usually, except in the case of the Basques, had their dwellings in a village for mutual protection, particularly as there was little individual property of the nature of a farm, upon which houses could be erected or occupied with advantage.

We now pass to the tenure of land in the Pyrenean districts, as to which, of course, many modifications were in force at one and the same period, especially with regard to pasture land, in contrast to that used for purposes of cultivation, as from the nature of the case were bound to exist. Side by side with the possession of commons and woods, as in Labourt, by each parish for the use of its inhabitants, but not for sale or alienation,⁴⁵ we find that in the provinces of Zamora and Léon, and especially at Llanabes,⁴⁶ all arable land was village property, divisible at stated periods by lot among the heads of families (*vecinos*), the meadows alone being in the hands of individual proprietors. But, as can readily be understood, the converse was the case in the pastoral valley of Ossau, where pasture land and most of the wood were the property of the commune, and only meadow land, of which there was but little, belonged to individuals. It was the possession of these common lands by shepherd communities that caused many of the tribal wars so numerous in the middle ages, of which the one between the men of Baretous and those of Roncal,⁴⁷ and the tribute paid as the result, is a type. But on either slope of these mountains collectivism became of necessity the rule, and individual possession the exception, and such individual rights were always subject in the case of the nobles to the rights of their dependents, and, in that of the bourgeois, to those of other members of the family. Indeed, were it not for rights such as these, not only could not the poor have lived,⁴⁸ but even the ordinary inhabitant would have been unable, as was shown in the case of the Highland crofter,⁴⁹ to gain his own living with anything like certainty.

⁴⁵ *Coutumes de Labourt*. Bordeaux, 1714.

⁴⁶ Webster in *Bulletin Sci. et Arts de Bayonne*, 1884.

⁴⁷ Duboul in *La Revue des Basses-Pyrénées et des Landes*, 1883.

⁴⁸ *E.g.* they were allowed to pick up dead wood in the forests two days a week, as also to hunt for game.

⁴⁹ *Report of Crofters and Cottlers Commission*, Edinburgh, 1884.

With these limitations life was comparatively easy, even in those distant days, and upon such poor and hungry soil, while a certain amount of culture existed.

A concrete example of a peculiar change in medieval legislation with reference to succession to property is afforded by the Custom of d'Acqs.⁵⁰ In it we find existing side by side primogeniture and equality of partition in rural (though not in noble) property. In some places where this custom was in force, the eldest child, male or female, succeeded to the entirety. In others, all alike took equal shares. Again, in Soule (one of the Basque provinces, the capital of which was Mauléon) in some families named in the Customs of that district the eldest child, male or female, inherited noble property, and in others the eldest male. If, as we think, a people does not change its spirit arbitrarily, inasmuch as *natura non facit saltum*, regulations so different must spring from different racial sources, the former probably Iberian, the latter Keltic, both of which elements largely commingle in the Pyrenean population. Nor here again can the influence of feudalism be justly traced, as witness the little town of Tartas, where the Customs of d'Acqs obtained, and where paternal rural property was divided among sons, and that of the mother among all children alike. It was not there, especially in connexion with rural estate, that the feudal system exercised baneful influences, such as can sometimes clearly be traced, for example in the case of Aragon. There in 1307 the nobles obtained the right to choose which of their sons should succeed, and to give him what land they would *ut casalia eorum in suo bono statu conserventur, cum per divisionem filiorum de facili deperire possent*. Primogeniture is easy to understand in a warlike monarchy, where the real estate of nobles is being dealt with, but not as having any *raison d'être* in the custom of a town like Dax, even when the rural property of peasants is unaffected, inasmuch as this latter, of course, in great degree partook merely of a personal character. In a word, in Labourt, Navarre, and Soule, as also in Barège (in Bigorre), feudalism, and indeed ultramontanism likewise, was less of a disturbing element than in most countries of Western Europe. But, though similar in many respects, the Pyrenean peoples differ as they ever did, the Basques retaining their marked liberal characteristics⁵¹ even more strongly than the Gascon Kelts and the proud inhabitants of Catalonia ('bellicosus Cantaber') their aristocratic tendencies. Hence the grave difficulty in accurate generalisation, which should always be attempted with diffidence.

In fulness of time the family became the unit of proprietor-

⁵⁰ Dax, Department Landes.

⁵¹ The watchword of the Basques under Don Carlos was 'Vivent les Fueros.'—*La Réforme Economique*, 14 March 1876.

ship by regular process of evolution, and not correlatively to the institution of the feudal fief, nor by reason of the influence of Christianity upon the model of religious communities. Caesar speaks of *cognationes hominum qui una coierunt* as existing among the Germans, and in Tacitus are to be found references to the *vendetta* which, together with *Wehrgeld*, and *Munduald* or guardianship of the head of the family, concentrated power in the family, and made for centralisation in its strong hands, rather than for decentralisation in the weaker ones of the individual. The doctrine *Le mort saisit le vif son hoir*⁵² sprang, too, from continuous collective proprietorship of the family. Curiously enough, here again the growth of feudalism wrought no injurious change in the position of the family as tenant of property, because the security of a family as such was better than that of one individual. But, on the other hand, the increasing influence and spread of Roman law helped forward the recognition of the individual, as did also the slow progress of civilisation, by developing opportunities for making his personality felt. Furthermore, as terror of serfdom and mortmain decreased, the advantages of family collectivism became less apparent. If, then, it was in the middle ages that the rights of the individual to hold land became recognised in Pyrenean countries, he mostly held it at that period as trustee for the family. Still he, and not the family, became at length the ostensible unit of proprietorship. What his limitations were we shall now try to show, in so far as they can be said to have generally obtained in that region at the time of which we are writing.

As good an illustration as any other of the sacrosanct character of the family is furnished by the law relating to testamentary disposition and succession to property. In Béarn and Soule as well as generally in Basse-Navarre, Roman law regulated the validity of wills. In the Compilation d'Auguns Priviledges et Reglements deu Pays de Béarn,⁵³ it is enacted that the civil and canon law, as well as that of the For, is to be kept and observed in the matter of wills, as also⁵⁴ with reference to the exclusion of religious from all successions.⁵⁵ Neither in the Old nor in the New For of Béarn is there to be found any decision touching testamentary disposition, which is not based upon Roman law. The same may be said of the Fors et Costumas deu Royaume de Navarre Deca-Ports, which were finally reduced to writing in 1611. But by the Custom of Soule⁵⁶ we find that persons not in the power of another, whether male or female, could make a will after fifteen years of age, and all

⁵² *Coutumes de Paris*, ed. 1580, art. 318.

⁵³ Rubr. xxvi. art. 1 (date 1557).

⁵⁴ *Ibid.* art. 2 (date 1639).

⁵⁵ This was so also in other Customs, i.e. Paris, ed. 1580, art. 337.

⁵⁶ Rubr. xxvi. art. 2 (date 1520), and Labourt, Rubr. xi. (date 1514).

others after eighteen. The same Custom permits the free disposal of all property, however acquired, by the testator himself, but prescribes, as necessary for the alienation of anything derived from an ancestor (*biens avitins*), the consent of the heir apparent, and, should this be a son, his previous emancipation. The Coustume de Bayonne has no provision of a similar character, though the object of it, as of many other Customs, like that, for example, of Barège, was to keep together family property. It was for this reason that we find expressly provided by its short Custom that in Bigorre impotent persons and those in religion could not inherit, nor prodigals, nor madmen. This freedom in the matter of the disposition of property in Soule and Labourt did not enable the testator there, any more than under the Fueros of Navarre, to deal with family property as he pleased. Family property had to be kept in the family, and only such things as had been acquired by the testator were capable of anything like free alienation.

Viewing succession to property in a somewhat more general way, we may perhaps summarise the medieval Pyrenean Customs affecting it as follows. The rule was that in the case of gentry the eldest son should inherit the whole of his father's ancestral estate, but that out of acquired property primarily, and, failing a sufficiency of this, out of the ancestral estate, the younger children should each have some small portion. In Soule, in some families the eldest child, girl or boy, succeeded to noble and always to rural property. Where two or more marriages had taken place, and there was no son, but only one or more daughters of the first, yet a son or sons of a subsequent family, then the eldest daughter of the first succeeded. And the same rule applied to collateral representation. In Béarn under the Old For, as has been shown, the noble father could choose which son he would as his successor, who no doubt, as a rule, would be the eldest. Thus no sudden change was effected when, under the New For, the eldest son succeeded as of right, and if there was no son, then the eldest daughter in the case of both noble and also of rural property, all the rights of those already married being expressly reserved. The father could not prevent a child from succeeding, except for the causes allowed by Roman law, and, as has been elsewhere noticed, for marrying when under age against his will. The other chief rules were *Paterna paternis*, *materna maternis*, and *Le mort saisit le vif plus habile à succéder*.⁵⁷

As in Roman law, when a fixed sum had been given a child for a portion by way of *dot* or by will, the child could not demand more out of the father's estate except where there was settled pro-

⁵⁷ Old For, Rubr. xiii. art. 18, and Rubr. lxxxiv. art. 274. Cf. New For, Rubr. xliii. art. 3.

perty, when, if it was a ridiculous sum that had been given, a fair share could be claimed. This does not seem to have been settled until the case of Demoiselle Dandichon de Pontacq,⁵⁸ who left, for no apparent reason, one particular nephew only 25 fr. out of *biens avitins* and the others about 3,000 fr. each. Moreover, portions might be made to return to the family exchequer, by being given out of *biens vinclés* and not from *biens libres*. Finally, if a father neglected to give portions to his children, the eldest son had to remedy this neglect; failing them, four of the nearest relatives constituted a family council, whose award was final in this regard.

From this rough outline it will have been gathered that collectivism, and not individualism, continued to be the rule.

*Privatus illis census erat brevis,
Commune magnum,*⁵⁹

whether in the household or in the larger communities of the village township or valley in the Pyrenees. But there is no necessity to consider seriously in this place at what exact period the unit there was the house-community, the village, or the tribe. Suffice it for us that such unit was certainly not the individual. The head of the house (*lou meste*) simply represented the house, the home, the family for its good, and not his own, as is abundantly evidenced by the medieval forms of land tenure usually obtaining there, the almost universal existence of guilds and confraternities of neighbours, and also by the social position occupied by women and slaves, all circumstances reflecting the strongest possible light upon the fixed characteristics of a people at a particular epoch. But sufficient reference has now been made to Béarnais, Basque, Bigorrean, and incidentally to Spanish sources, to show that the family as owner retained its grip on property in the Pyrenees much longer than elsewhere; that the evolution of individualism out of collectivism was of slow indigenous growth, and not there forced on by feudalism or outside stimulus of any sort; that, in a word, family life was the ideal, not 'each man for himself,' and conservation of energy of the family rather than of the individual the Pyrenean rule. Sons-in-law and daughters-in-law inherit equally with father and mother the family home. The old master and the young master in one house are a recognised institution now, just as in Bela's day. Back from South America to their home still come frugal Basque younger children who left the family in youth for its greater good, their savings effectively subsidising an establishment which by hard labour at home could never, in the struggle for life of to-day, have been kept going as a peasant household upon a solid foundation, were it not thus broad-based upon the support and co-operation of the entire family both at home and abroad.

⁵⁸ 24 April 1697.

⁵⁹ Hor. *Od.* ii. 15, 13.

Just as, in 1398, Archambaut had to swear to maintain the Fors of Béarn, and after him every ruler in succession, so later on, in 1692, in the valley of Aspe on the Spanish frontier, 'a republic which had offered itself of its own free will to the sovereign lord of Béarn,' he in turn, though king of France, had to promise to preserve it in its customs and liberties. Likewise in our own day the Basques under Don Carlos cried out for the preservation of the *Fueros*. Moreover, the house-community exists at Sayago in the north-east of the province of Samorra, and at Ricano in Leon, to this day, as well as fraternities and guilds of neighbours, if not under the same names. In a hamlet near Laruns called Goust, the land is still all in the hands of a very small number of families, and no child is allowed to remain there and marry till there is a vacant spot in which the new *ménage* can find a reasonable means of livelihood. The sanctity of the house is still, just as it was under the Fuero of Daroca or Medina Celi, kept up, as well as many old funeral and other customs. The black dress of the Iberian, and especially the hood, is worn at the present date. To-day the Basquaises walk *couvertes de leurs cotillons qu'elles rejettent sur la tête*.⁶⁰ If in the olden time security could be given, no man might be put in prison. Now as then, the *habeas corpus* is the cherished right of Biscayan, Guipuzcoan, Castilian, Alavan, and Basque alike.

A. R. WHITEWAY.

* Sommerdyck, *Voyage d'Espagne* (1666), p. 6.

Colchester during the Commonwealth

HALLAM, discussing the action of the crown in forfeiting the borough charters under Charles II, styled it 'the most dangerous aggression on public liberties that occurred in the present reign,' and asserted that 'no precedent could be found for the forfeiture of corporate privileges.' Charles, however, in endeavouring to secure the return of the borough members he desired by entrusting their election to packed corporations, nominated by himself for the purpose, was but following, with strict fidelity, a precedent created by Cromwell himself. But it is as difficult as it is important to ascertain with certainty the facts of Cromwell's dealings with the corporations. Not only are the charters that he granted missing in almost every instance—owing to the partial loss of his patent rolls and the destruction, locally, of the originals—but the circumstances also surrounding their grant remain of necessity obscure, requiring, as they do, for their elucidation a knowledge of local politics at the time and some acquaintance with the local records preserved in municipal archives. Mr. Gardiner, therefore, has asked me to put together in the pages of this Review the evidence available in the case of Colchester, to the records of which ancient borough I have been allowed special access. The Colchester instance, in Mr. Gardiner's view, is one of which the exceptional importance warrants its treatment in his 'History' at some considerable length. As he has placed his manuscript before me I propose only to supplement his story by setting forth in more detail than is possible in his own work the local aspects of the case, and by printing the necessary evidence I have obtained from the local records.

The great riot with which the civil war opened at Colchester (August 1642) brings before us some leading actors in the local history under the Commonwealth. The mayor at that time was Thomas Wade, whose terrified letter to Sir Harbottle Grimston, then member for the borough, is printed in the report on Lord

Braye's MSS.¹ But the moving spirit on the puritan side, as he remained till the Restoration, was Henry Barrington. In 'Mercurius Rusticus' (p. 1) we read that Sir John Lucas intending to leave and join the king on Monday, 22 August, his purpose was

on Saturday by a treacherous servant discovered to John Langley of Colchester Grocer and Captain of the Train Band. He with Henry Barrington Brewer and Alderman of the Town spent the next day being Sunday in riding to Coggeshall, Bocking, Brayntree, Halstead and other Townes of their own Faction, &c. &c.

Even before Colchester had a mayor Barrington had held the office of bailiff; and since the charter of Charles I (1635) he had been mayor of the town in 1637 and 1641. This is a singular fact in the light of his vocation,² for, according to Morant, the charter of Charles I excluded from even voting at municipal elections brewers, vintners, and all others connected with the drink traffic. Its puritan spirit, indeed, is even more manifest in its similar exclusion of all those guilty of swearing or immorality. Barrington was probably connected with the great Essex family of that name, related to Cromwell and ardent puritans; but I have not been able to trace the connexion. It cannot have been close, for a Colchester inquest so far back as 1582 mentions 'Barrington's Howse.' In the siege map of 1648 'Mr. Barrington's house' forms a prominent object. It stands by itself to the south of the town, and is shown in flames. In 1653 he was one of the members nominated for Essex to the Barebones parliament, in which he sat as an extremist.³

John Langley, captain of the train-band and alderman, entered his pedigree as such at the 1634 visitation. He was mayor in 1639 and 1646, and seems to have been one of the parliament committee for Essex in 1648. He led his company to the defence of London in November 1642, and is referred to in Cromwell's letter to Colchester (23 March 1643) as having afterwards brought it to Cambridge, where Cromwell entrusted its command to Captain Dodsworth.⁴

There was yet another actor in the Commonwealth episodes at Colchester who is mentioned in this narrative.

John Browne, a very old servant of the family, was seized: they bind him to a tree, set a musquet to his breast, and a sword to his throat, and

¹ 1073 *Report Hist. MSS. Comm.*, app. vi. p. 146. Compare *Commons Journals* 1642, ii. 372, 374.

² He seems to have had a 'brewhouse' in St. James's parish.

³ The other four were John Brewster and Col. Joachim Mathewes (who had both recently bought land in the south of the county), Dudley Templer and Christopher Erie, who are both subsequently found on the county militia commission, and on the special commission appointed to report on the Colchester troubles in Sept. 1655.

⁴ Letter printed in Morant's *Colchester*, and given thence by Carlyle.

tye lighted matches between his fingers, and John Furley (a young pragmaticall boy) examined him.⁵

Son and namesake of a leading puritan, a linendraper in St. Runwald's, young Furley was nominated a trustee of Batchelor's gift (for preachers) in 1647, and, joining his father in the corporation, was eventually expelled from it, together with him, when the king 'came to his own again.' The Furleys appear as quakers under Charles II.

In dealing with controversial questions nothing is more important than to define as clearly as possible the meaning of the terms one may employ. Feeling as I do very strongly the difference of the issues at stake in the 'first' and in the 'second' civil war, I invariably use the term 'loyalist' for those who in 1648 fought in defence of the constitution against the usurpation of the army. I do so in no invidious sense, but simply because it is absolutely necessary to find a name⁶ that shall include men, such as the officers at Pembroke and at Colchester, who had actually fought against the royalists in the 'first' civil war, but whom the increasing aggressions of the army and its interference by force with parliament had led to take up arms against their former comrades. These men would have vigorously denied the charge that they were 'malignants' (as royalists were then termed). For historians this is a point that raises an important question: should the historian set himself to represent facts as they were, or to represent them as parties at the time professed or pretended they were? If, in a famous phrase, we 'clear our minds of cant,' I do not see how it is possible to describe as 'parliamentarians,' or as 'the parliament's army,' those who could only obtain a majority, even in a house of commons from which royalists had been expelled, by forcibly excluding from its sittings leading presbyterian members. Therefore I cannot conscientiously describe, as does Mr. Gardiner, the two opposing parties in 1648 as 'royalists' and 'parliamentarians,' and I even venture to think that the use of those definitions obscures the singular interest of the new struggle that had then begun, the new issue that had arisen.

From 1642 to 1647 the cause of the parliament, it seems clear, reigned supreme in Colchester. But nowhere, perhaps, was the reaction at the close of the civil war more remarkable than in Essex. It was Essex—Essex, 'the first-born of the parliament'—which, as the army drew nearer London, petitioned, to Cromwell's disgust, that the country might not be 'eaten up, enslaved, and destroyed by the army raised for' its defence. In Colchester the householders were slow to pay their monthly assessments, and the

⁵ *Mercurius Rusticus*, as above.

⁶ The word was used at the time, as in *The Loyalists' Bloody Roll*.

commissioners had recourse to the ingenious device of 'quicken-
ing' the parish collectors by quartering troopers on their homes.⁷
In the autumn of 1647 the free burgesses went so far as to choose
for mayor Shaw, who was, according to a loyalist writer, 'a
person honestly and religiouslie principled.' But a troop of horse,
he adds, were sent down to force upon them Alderman Cooke, 'an
ignorant wretch that only followed the mace.'⁸ The story is so
far true that the borough assembly books⁹ prove the fact of Shaw
having been chosen mayor. He was a sergeant-at-law, with a
good house in the town, who afterwards became recorder and
member for the borough. But, although he was expelled, we shall
find, from the corporation by the puritan majority after the siege, he
was rather an opportunist than an avowed royalist. I would venture
to insist on the importance of distinguishing, as separate parties,
(1) the royalists who sided with the king in the first civil war;
(2) the 'loyalists,' as I term them, who, though they had not done
so, came over and joined the royalists in the reaction of 1647-8
on behalf of the endangered constitution; (3) the moderates or
parliamentarians, who, though neither royalists nor loyalists,
were opposed to Cromwell and the rule of the sword. All three
parties were represented at Colchester, and the last of the three,
under the Commonwealth, assumed a growing importance.

It is quite a mistake to suppose that the men who defended
Colchester against Fairfax in 1648 were merely royalists from
other parts who had fled into a district wholly opposed to them.
Both in Essex and Suffolk, in the spring of the year, there had
been grave fears of disturbance. At Colchester, on 30 April, the
committee made order

that forasmuch as upon fridaie at night last betwene the howres of
9 and 10 of the clocke divers rude and evill disposed people did assemble
themselves in a riotus and tumultuous arraie; And this Committee
being informed that these rude and evill disposed people wth divers others
of the same condicōn doe intend to rise in a riotous manner to plunder
and committe some outrages to morrow being May daie, and for
prevencōn thereof It is order [*sic*] that Maior Langley shall raise his
trained band within this towne, and to oppose and keepe quiet all such
rude people, &c.¹⁰

At Bury St. Edmunds a riot 'about setting up of a Maypole'
had led to an actual loyalist rising, and to the despatch of horse
and foot to put it down by force. In Essex we have a type of what
I term the loyalist in such a man as Colonel Farre, who, although

⁷ See the committee's records, now among the Stowe MSS. (842), in the British
Museum.

⁸ *12th Report Hist. MSS. Comm.*, app. ix. p. 23.

⁹ The assembly book referred to throughout this paper is that for the years 1646-
1666.

¹⁰ Committee book for Colchester (Stowe MS. 842).

actually a commander of the militia in the parliamentary interest, threw in his lot with Norwich and Lucas against Fairfax and the army. Nor can we need better testimony than that of Sir Thomas Honeywood, who wrote to Lenthall in the thick of the siege (4 July)—

Many of the Trained Bands, both officers and soldiers, divers of the Auxiliaries horse and foote being seduced into the late rebellion,¹¹ others refusing or neglecting to come in or send to us, doth amount nere the one moiety of the whole force.¹²

Norwich and Lucas also had been joined, while marching through Essex, by 'a troope of horse from Hartfordshire under the command of Colonel Sayers, a gentleman who had formerly served the parliament, but being undeceived was come to make atonement for his fault.'¹³ We cannot wonder, therefore, that Lucas expected to find support in Colchester, as we are told he did, and that he actually obtained, as we learn from another source, recruits there.¹⁴ But his local sympathisers were called on to pay the penalty of failure; and the double losses sustained by the townfolk at the hands of the besieged and the besiegers led them, within a week of the surrender, to expel the friends of the former from their places in the corporation.¹⁵

The tumultuous scene that must have been witnessed on this occasion at the Moot hall is reflected on the leaf of the assembly book that records its results. It was headed by the clerk 'fourth day of August, it being eleccõn day;' and although 'August' is erased, September has not been substituted. The list of the council, as it stood till then, was first set out by the town clerk, and then altered and cut about, as the loyalist members were expelled and others elected in their places. Thus defaced it is unintelligible, until we compare the corporation lists before and after the 'purge.' Let us take the aldermen first. I here place side by side the list of aldermen on 7 Nov. 1648 and the list as it stood at the preceding meeting. The three whose names are italicised were struck off the list on 'election day' (4 Sept.), but did not cease to sit till two months later.

¹¹ Rebellion against what?

¹² *Duke of Portland's MSS.* i. 473.

¹³ *12th Report Hist. MSS. Comm.*, app. ix.

¹⁴ *14th Report Hist. MSS. Comm.*, ix. 242. Carter in his narrative attributes the decision to march on Colchester to the conviction of Sir Charles Lucas that he would obtain support there. Haynes, writing to Fleetwood from Colchester, reminds him that 'there were 1,300 hands set to the personall treaty and petition there' (Thurloe, iv. 330); and, even after the siege, the Derby House Committee wrote to the mayor (17 Oct. 1648) 'to look after those in Colchester who were lately in arms there, they being now plotting something, as we are informed.'

¹⁵ A quaint entry in the assembly book shows that even in this very year the corporation had resolved to walk in procession on 27 March 'in the 24th year of the Reigne of our Sovereigne Lord King Charles of England, it being Coronation daie.'

OLD LIST.	NEW LIST.
<i>Mayor</i> William Cooke	<i>Mayor</i> Henry Barrington
<i>Aldermen</i> Henry Barrington Thomas Wade John Langley <i>Robert Buxton</i> ¹⁶ Ralph Harrison John Furley <i>Thomas Lawrence</i> ¹⁷ John Cox <i>John Shawe</i> ¹⁸	<i>Aldermen</i> Thomas Wade John Langley Ralph Harrison John Furley William Cooke John Cox <hr/> William Vickers William Johnson 'not sworne' Thomas Lawrence ^{17 19}

The new council, being thus complete, made, at this meeting, the following order in vindication of the burgesses' action in expelling, two months before, the loyalist members of the corporation :—

Also at this Assembly it is thought fitt for the satisfaccõn of those that shall come after and for the clearing of the accõns of the Freeburgissess at the last eleccõn of Mayor, Justices, Coroners, Claviours and Chamberlin concerninge the putting off of divers of the Aldermen Assistants and Common Counsell for adheering to and abetting of the Erle of Norwich, Lord Cappell, Lord Loughborough, and Sir Charles Lucas knight & those under them w^{ch} were lately in this towne in actual warre against the Parliament & State, By whom this towne was much burnte, impoverished and destroyed, it is therefore declared by this assembly that the miscarriages charged upon the said Aldermen, Assistants, and Comon Counsell then put off by the Freeburgissess being such as is before expressed, are clearlie reasons sufficient for the putting them off according to y^e words of the Charter (vizt) ill behaviour or scandal magnat[um].²⁰

Twelve years later, in the floodtide of the Restoration, a marginal note was written by the side of the above order, as follows :—

This order against the gentlemen therein named is adjudged to be unjust, illegale, and therefore by an order made the 23rd of October 1660 it is expulsed and made void and unworthy to be or remaine upon record or to be in this booke.

In addition to the three loyalist aldermen the burgesses expelled four assistants, George Harrison, Francis Burrowes, Christopher

¹⁶ This man was an actual royalist, an apothecary of good means.

¹⁷ It may seem an almost incredible coincidence that a Thomas Lawrence should be expelled and another Thomas Lawrence elected, but the fact is certain; and there were, we shall find, two men named Thomas Reynolds, members of the corporation, who have to be similarly distinguished.

¹⁸ Assembly book, fol. 20 d.

¹⁹ *Ibid.* fol. 21.

²⁰ *Ibid.* fol. 22.

Bayles, and Humfry Merridale. As they had elected three other assistants to be aldermen,²¹ while the eldest assistant (William Kinge) had died, there were eight vacancies to fill among the sixteen. These they filled by promoting four men from the common council and electing four men from outside.²²

Lastly the burgesses expelled six of the common council—Richard Pringe, Robert Winnishe, Robert Humberston, John Aylett,²³ John Woodrooffe, Samuel Mott ('not sworne')—and elected twelve new members—John Rayner,²⁴ Robert Morfew, Samuel Sherley, Samuel Cockerell, John Furley, jun., John Gale, William Jeffery, John Princitt, John Milbanke, John Harrison ('not sworn'), Thomas Hasselwood, John Talcott ('not sworn'). The net result, therefore, of the 'purge' was that 13 members of the corporation (3 aldermen, 4 assistants, 6 councilmen) were expelled, being about a third of the whole number, and 16 new members were elected.²⁵

Before proceeding further it is important to explain that at Colchester, and in other towns where the same system prevailed, changes of opinion in the elective body were not of necessity reflected in the governing corporation. The members of that body were not subject to periodical re-election, and thus could only lose office by death, resignation, or gross misdemeanour. The senior members of the body, therefore, represented the electorate of a former period; and it was only very gradually, as 'new blood' was introduced from below, that the composition and political attitude of the whole body could be modified. This was especially the case with the aldermen, who could only be chosen from among the 'assistants,' while these in turn, when a vacancy occurred, had to be taken from the common council. On the other hand the mayor, who, of course, was annually elected anew, had to be selected by the aldermen from two of their body nominated by the free burgesses at large. Here, then, the popular voice made itself directly felt; and by closely watching the politics of the mayors successively chosen we obtain trustworthy evidence on the trend of popular feeling.²⁶

Henry Barrington was the new mayor after the 'purge' I have described, and three members of his party (Thomas Wade, John

²¹ William Vickers, William Johnson ('not sworn'), and Thomas Lawrence.

²² The eight in question were Barnaby Gilson,* Thomas Reynolds,* baiemaker, John Viccars, Peter Johnson,* Thomas Peeke, Thomas Wade, jun. (*non juratus*), Robert Sparrowe, and John Merridale.* Those marked thus * had been council men; the others were from outside.

²³ A royalist, subsequently found on the decimation list of the local major-general.

²⁴ This name should be observed, as it will recur prominently below.

²⁵ Allowing for one death, two more councillors than necessary appear to have been elected, a statement which I have verified, but cannot explain.

²⁶ Members for the borough at the outset of our story were elected by the whole body of free burgesses.

Furley, and Richard Greene) obtained the mayoralty the following three years (1649, 1650, 1651). It is at the autumn election of 1652 that we find the first sign of a reaction in the choice of John Radhams as mayor. Radhams was not one of Barrington's set on the council, and indeed we shall find him in opposition to that set when the trial of strength came in 1655, but, as he escaped Cromwell's 'purge' in 1656, he was not an irreconcilable on the other side. A year later (1658) the reaction had become strong enough to secure the mayoralty for Peeke, an avowed opponent of Barrington. And he, in turn, was succeeded by Reynolds, Barrington's leading opponent. The two parties among the aldermen were now sufficiently defined for a list of them (in order of seniority) to be compiled.

<i>Henry Barrington</i>	. . . (E)	John Radhams	. . . (M)
Thomas Wade, sen.	. . . (E)	John Gale
John Furlie, sen.	. . . (E)	<i>Thomas Reynolds</i> ²⁷ ('draper')	(M)
Thomas Lawrence	. . . (E)	Thomas Peeke	. . . (M)
		John Milbanke	. . . (M)
Richard Greene	. . . (E)		

I have distinguished the parties as E[xtremists] and M[oderates], but these are merely my own names and have no authority. The italics distinguish the leaders of the two parties, and the rule divides the survivors of the 'purged' aldermen, at the close of 1648, from those who had been since elected. It will be observed that in six years there had been added six new aldermen; and it should be specially noted that while the first of these was an 'extremist' the three most recently elected were all 'moderates.' This will illustrate the steady growth of the 'reaction' in local feeling, which must clearly have begun some time back.²⁸

Reynolds first sat as mayor 3 Oct. 1654. Confident now of his majority in the town, he ventured on a daring step. The example set after the siege formed a fatal precedent. He announced his intention of convoking the free burgesses once a month for important town business; and at the first meeting he induced them to expel, on the ground of misbehaviour and neglect of duty, Henry Barrington, the senior alderman, Abraham Barrington, his son, the senior assistant, and Arthur Barnadiston,²⁹ the recorder.³⁰ When

²⁷ He appears to be the 'eminent clothier' spoken of by Morant.

²⁸ The last election had been held 10 Aug. 1654, on the resignation of Alderman Cooke (mayor in 1647-8). On that occasion the free burgesses nominated John Milbanke and John Rayner (a *bête noire* of Barrington, who always insisted on his having been once convicted of swearing an oath). According to Reynolds and his friends Barrington was so enraged by this choice that he withdrew in a huff, and persuaded his friends to do so also (Petitions at P. R. O.). Milbanke, as a fact, obtained the vacant aldermanship. There is reason, we shall find, to suppose that both he and Rayner were presbyterians.

²⁹ Of a well-known puritan family in Suffolk, one of whom had commanded Suffolk militia at the siege.

³⁰ Petitions, *ut supra*.

the corporation next met, 13 Nov. 1654, Henry Barrington is found no longer among the aldermen.³¹ John Merridale was elected to fill the vacancy thus created.³² By this bold step Reynolds had now obtained, even among the aldermen, an actual majority.³³

Matters had now reached a crisis; and while the ejected officers appealed to the courts for reinstatement their friends in the corporation petitioned the Protector to intervene. This led to counter-petitions, and, all the papers being fortunately preserved at the Public Record Office, we can clearly distinguish the two parties. The most important point to observe is that the fissure between them had arisen since the 'purge' of 4 Sept. 1648; for when the loyalist members were then expelled, and replaced by those on the other side,³⁴ the latter included Peeke, Rayner, and Milbanke, now leading supporters of Reynolds, as well as John Vickers, Wade, Sparrowe, Morfeew, Sherley, John Furley, jun., Princitt, and Harrison, all, we shall find, active in support of Barrington.

Difficult though it is to date with precision the petitions of the rival parties, one of the earliest must be that which was presented in favour of the dismissed officers. It runs thus:—

Wee whose names are here underwritten free Burgesses and other inhabitants³⁵ of the said Towne doe hereby declare and Protest against all such Irregular Tumultuous proceedings and Alterations, and doe still acknowledge Arthur Barnardiston Esq. to bee the lawfull Recorder of the said Towne, Henry Barrington Esq. to bee the senior Alderman thereof and Abraham Barrington Esq. to bee one of the Assistants and that the persons lately thrust into their places have no right thereunto, which wee are the rather induced to declare that wee might hereby manifest the constancy of our affections to that Cause which the Lord hath bin pleased to carry on present Governors, And perticularly to appeare in this very³⁶ perverse men whoe in former times have attempted to act things of³⁷

The signatures to this petition include rather less than half the members of the corporation as it then stood—that is, nineteen out of forty-two.³⁸

This petition naturally produced a counter-petition from the

³¹ Assembly books.

³² Petitions, *ut supra*.

³³ Alderman Gale seems to have taken no active part on either side; but the free burgesses appear to have considered that he was no friend of Barrington's.

³⁴ P. 647, *supra*.

³⁵ The words 'and other inhabitants' should be noted.

³⁶ If the words were 'this very year,' the reference may be to the outbreaks early in 1655, in which case the petition would be subsequent to their date.

³⁷ The manuscript is damaged.

³⁸ It must be remembered, however, that the Barringtons, father and son, were still excluded. The fact that if they had been undisturbed their party would have numbered exactly half of the whole corporation shows how evenly the factions were balanced. The members signing were four aldermen (Wade, Furley, Lawrence, Greene), six assistants (Beacon, Vickers, Wade, jun., Furley, jun., Morfee, Sparrow), and nine councillors (Willmot, Harrison, Talcott, Princitt, Daniel, Sherley, Cross, Bayles, Crouch).

Reynolds party. This great petition, at least, is assigned by Mr. Gardiner to the spring of 1655, and it is difficult, in the face of its endorsement, to assign it a later date. On the other hand its reference to 'our late elections,' as if they were recent, is strange if it is much later than September 1654. The allusion to a possible removal of the mayor by the Protector from his office shows that this idea was already in existence. Professing that they know nothing of the contents of certain papers lately presented to him, the petitioners express their desire

to lett your Highnesse knowe that if the papers presented to your view should concerne our late elections, that then wee can and dare affirme unto your Highnesse that the elections were both unanimous and free to the generall content; and we doubt not but for the generall good of the whole Towne, not acted out of any malignant designe, as wee heare some men have informed, but by men of as much fidelity and integrity and which have hitherto been and shalbee as ready and as chearefull to adventure their lives and estates for the upholdinge of your Highness just government against all opposition as any persons whatsoever. And therefore wee cannot nor dare not have soe much as a thought of what is become too frequent discourse in our alehouses and Taverns of your Highness intencõ of turneing out the present Maior or any way alteringe the unanimous, &c.

As Mr. Gardiner and I have been led to somewhat different conclusions by our independent examinations of the signatures to these petitions, I have asked his permission to quote his own, in order to show the importance of the point on which our conclusions differ. But he wishes it to be clearly understood that his conclusion is only provisional and is subject to alteration on cause being shown. Subject to this reservation it is Mr. Gardiner's view that

the petitions thus laid before the council bore on their face not merely evidence of the political parties from which they emanated, but also of the social position of the supporters in the town on which the two parties relied. The Barrington memorial was signed by 4 aldermen, 6 assistants, 9 common councillors, 121 free burgesses, and 122 other inhabitants, the signatures on the whole amounting to 262. The Reynolds petition bore no less than 960 signatures, but no distinction of ranks was indicated, and of the whole number were illiterate persons (the number of illiterates cannot be stated with greater precision because, besides those who sign with their marks, many signatures are in the same handwriting, showing that one person was allowed to sign for others; it is impossible to say whether some of these may not have been illiterate but ashamed to acknowledge the fact). Evidently the Barrington party looked for support to the bulk of the well-to-do commercial class, whilst the Reynolds party originally composed of persons of the same position rested upon the more ignorant and excitable members of the community. Irrespective of party tendencies, it was on the former, not on the latter, that the Protector wished to base his government.

Now the first fact that strikes one on looking at these petitions is that the free burgesses and others who support Barrington's petition have (after the first two or three) their names written in the same hand, not merely here and there, but actually throughout. They may, therefore, have comprised any number of illiterates. The next point is that, when their names are examined, they do not appear to me, with the exception of the first three,³⁹ to be those of men of any account, so far as the social history of the town at the time is known.⁴⁰ When, on the other hand, we turn to the petition of the Reynolds party, one recognises name after name of substantial men in the town. Mr. Thurston, for instance, had himself paid no less than 500*l.* of the 6,000*l.* extorted by Fairfax and his troops from the non-Dutch inhabitants after the siege. Several of the other signatories are known to me, as is their good commercial position.⁴¹ The petition was also signed by many of the Dutch congregation, whose wealth was such that 6,000*l.* was exacted on the same occasion from them alone.

In the official calendar the group of petitions are granted together under June 1655; but internal evidence proves that they ranged over several months. It must be remembered that the object of the Barringtonian party was to make the Protector alter the government of the town in such a way as to secure their supremacy, which was now slipping away from them. On 7 June the council of state appointed a committee of five to consider the petitions and counter-petitions, examine witnesses, and report. On 30 August they reported to the council, having themselves received a report from the treasury commissioners,

that, after consulting the charter, they think it still in force, though not in the custody of the town, and that his highness cannot therefore legally constitute the magistracy, but he might write to the town to elect their officers and submit them to him within four days.⁴²

It was accordingly ordered by the council that a letter should be written to Colchester.⁴³ Leaving aside for the moment the struggle between the rival parties, as now defined, in the corporation, we may glance at the case of the ejected officers. The

³⁹ Nathaniel Lawrence, son of Thomas Lawrence, a yeoman and Cromwellian alderman; Thomas Lucas, an attorney; and William Havens.

⁴⁰ I happen to have special knowledge on the subject, having edited (for the Essex Archaeological Society) the valuable register of the local grammar school in the seventeenth century.

⁴¹ It is impossible to give all the cases in detail, but one may cite the Creffields, father and son, as men of substance. The father was afterwards alleged to have borne arms against the king; the son was mayor four times under Charles II.

⁴² *Calendar of State Papers, Domestic, 1655.*

⁴³ See below, p. 653.

recorder's case, with Glynne as his counsel, came before Rolle, chief justice, in Easter term 1655, when

Bernadiston, being removed from his Recorder's place of the Town of Colchester prayed for his writ of restitution and hath it, and upon the return they set forth the causes why they removed him, and why he ought not to be restored.⁴⁴

When his case was again heard ⁴⁵ Glynne, his former counsel, had been promoted by the government to Rolle's place on the bench. It is hardly strange, therefore, that this court decided in his favour.⁴⁶ It is not clear how or when Barrington obtained a mandamus for his restitution as alderman, but he certainly did so, for the Protector signed an order, 28 June 1655, reciting that he and the recorder had obtained writs in their favour, and directing that they were not to be removed again.⁴⁷ This order became the subject of much mutual recrimination. Reynolds, as mayor, was accused of defying it, and denied the charge. He said that he had duly entered it in the town books; and, as a matter of fact, Henry Barrington reappears among the aldermen, though not till the monthly 'assembly' of 10 August (1655).⁴⁸

But there was brought against him a more serious charge. It was alleged that the Protector's order had forbidden any further election of officers to take place till his pleasure should be known, and that, in despite of this, the annual elections had taken place, as usual, at the beginning of September, as prescribed by the existing charters. On this point there is a conflict of testimony where it is difficult to see how any doubt could arise. The Protector's subsequent order of 4 Dec. 1655⁴⁹ does undoubtedly recite that 'we did the 28th day of June last order that there should be a forbearance of election of persons into the Magistracy or Common Councill of the said Towne till we should otherwise determine.' On the other hand no such order (or copy of it) is, it would seem, preserved; Reynolds quoted the order of that date which he received to show that it contained nothing of the kind; and, lastly, he alleged that Colonel Jones, of the Protector's council, had assured him that an order authorising the elections was ready for Cromwell's signature, and had told him to go home and choose an 'honest man' for mayor.⁵⁰ Now this is a very curious statement,

⁴⁴ Style's *Narrationes Modernae*, p. 446. The chief charge against him was neglect of duty in absenting himself for sixteen months, while his chief argument for restitution was that he had been removed without notice being given him or opportunity of defence.

⁴⁵ 'Pasch. and Trin. Term.,' *ibid.* p. 452.

⁴⁶ Twisden and Maynard were, on this occasion, the counsel engaged against him.

⁴⁷ This order is recited in the P.R.O. papers, as from the corporation books.

⁴⁸ Assembly books.

⁴⁹ See below, p. 655.

⁵⁰ He further insisted that this failure to hold the elections might have forfeited the charter.

for such an order is actually found among the Thurloe State Papers.

Trusty and wellbeloved, Wee greet you well. Takinge some notice that peticoõns from severall p'sons touching the Towne of Colchester, and the government thereof are now depending before Our Counsell, w^h (in respect of the Nature thereof) cannot be suddainly determined And being withall advertized that the tyme appoynted by your Charter for electing of Magistrates for that Corporacoõ is Munday next Wee have thought fitt hereby to signify to you Our will and pleasure that you proceed to election of Officers for the said Towne, as usually you have doune, having respect in the said Election to the Peace and good government of the Towne, And that within fower dayes after such election, you present to Us the names of the persons elected, to be approved by Us, before they be Sworne, And soe bid you farewell. Given at Whitehall this 31th day of Aug^t 1655.⁵¹

Stranger still, this order is duly entered in the Council Book under the meeting of 30 August,⁵² and is even superscribed 'O. P.'⁵³ Colonel Jones was present at the council, but Cromwell himself was not; and, looking at all the evidence, it seems certain that the order was never sent.⁵⁴

This document, which is, it will be seen, in perfect accordance with Reynolds's assertion, makes no mention of the alleged order of 28 June, forbidding any further election. And though the latter is referred to in the petition from Barrington and his friends in September it is not mentioned in the order of council relating to that petition.

At the election, held, as usual, at the beginning of September, the Reynolds party were again placed by the free burgesses in power, Radhams securing the mayoralty, Peeke and Milbanke becoming justices, and the obnoxious John Rayner chamberlain. The Barrington party at once renewed their appeals to the Protector.

To his Highness the Lord Protector

The humble Petition of the antient Aldermen wth some of the Assistants and Common Councill of the Towne of Colchester

Humbly sheweth

That your Petitioners having rested quietly in assurance that their former addresses to your Highnes against the ill Government of the said Towne of Colchester would afford them the fruit of a quiet and peacable life in all godliness and honesty thereby sought are to their great sorrow

⁵¹ *Rawlinson MSS.* A. xxix. 690.

⁵² The words 'which we are enformed is by the Tenor of the Charter not to be done till Michaelmas' are there inserted after 'sworne.'

⁵³ *Council Order Book*, Interregnum, i. 76, p. 262.

⁵⁴ Have we not here a hint that Oliver could and did override the decisions of his council when they were not to his liking?

still left to struggle with persons whose practizes speake their principles most opposite to the great Ends of your hazardous undertakings in which the honour of God and comfort of this people is concerned. For notwithstanding your Highnes prohibition there hath beene a late Election of Officers to rule that Corporation for the next yeare more eminently prejudiciall and dissatisfactory (*sic*) to those who feare the Lord in it then in the times wherein we have suffered & whereof we complaine; in which sad condition we cannot satisfy our Consciencences without further application to your Highnes.

Humbly praying

That you will please to appoynt a Mayor or some other person to Governe the said Towne till the consideration of the Charter by your reference now depending before your Highnes most honorable Councill receive such an issue as may be an affectuall (*sic*) remedie to the afore-said grievances.

[Signatures]

<i>Aldermen</i>	<i>Assistants</i>	<i>Common Councill</i>
Henry Barrington	Nicholas Beacon	John Princet
Thomas Wade	John Vickers	William Talcott
John Furley	Robert Sparrow	John Harrison
Thomas Lawrence	Thomas Wade, jun.	William Daniell
Richard Greene	John Furley, jun.	George Crosse
	Robert Morffe	Samuell Sherley
		Samuell Crouch

This petition, it will be observed, was only signed by eighteen out of the forty-two members of the corporation. The four aldermen who had petitioned before had now been reinforced by their leader, Henry Barrington; the assistants, as before, were six in number; but the councillors had dwindled from nine to seven.⁵⁵

On this petition being read in council (26 Sept. 1655) it was ordered that seven special commissioners⁵⁶ should investigate, and that

in the meane tyme and till further order from his Highnes the said Alderman John Radham is wholly to forbear to act as Mayor of the said Corporation, or to doe any matter in order thereunto, and that Thomas Reynold the present Mayor doe continue execution of the said office of Mayor for the said Corporation, for the carrying on of the necessary affaires of the government there till further order.

The next episode is the visit to Colchester, some three months later, of Hezekiah Haynes, the deputy major-general for the district. Cromwell had instructed him on 4 Dec. (1655),⁵⁷ in con-

⁵⁵ The names of Willmott and Thomas Bayles are absent.

⁵⁶ Sir Richard Everard, Bart., Sir Thomas Honeywood, John Gurdon, Francis Bacon, Dionysius Wakering, Dudley Templer, and Chris. Erle.

⁵⁷ Letter printed in Morant's *Colchester*.

sequence of the complaints from well-affected inhabitants 'of the Towne, and for the sake of many honest Men' there, to have the election of annual office-bearers conducted in his presence, 'in which ellection you are to take special care that the Ellectors and elected be qualified according to our late Proclamation,⁵⁸ and

⁵⁸ NOTE BY MR. GARDINER.—The following is the proclamation referred to. It was issued on 21 Sept. 1655, and one of the original print broad sheets containing it is in the British Museum (press mark 669, f. 20, no. 15):—

'Whereas, by Act of Parliament, made and published the eighth day of October, in the year of our Lord one thousand six hundred fifty and two; It is (amongst other things) enacted and ordained, that no person or persons whatsoever that had his estate sequestered, or his person imprisoned for delinquency, or did subscribe, or abet the treasonable engagement in the year one thousand six hundred fourty and seven, or had been aiding, or assisting to the late king, or any other enemies of the Parliament, should be capable to elect or be elected, to any Office or Place of Trust or Power within this Commonwealth; or to hold or execute any Office or place of Trust or Power within the same; His Highness the Lord Protector in His great Care and Wisdom, considering the premisses and foreseeing the dangers this Commonwealth must necessarily be exposed unto, if such Malignant and disaffected persons should be in Offices of Trust and Power in the Commonwealth, and calling to mind the late horrid Treason and Rebellion, contrived and carried on by the inveterate and restless malice of that party to involve these Nations in blood and confusion, who have avowedly and with open face professed their end was, and still is (though in the utter ruin and desolation of these Nations) to set up that Power and Interest, which Almighty God hath so eminently appeared against; His Highness therefore, in order to the Peace and Welfare of these Nations, committed to his Charge, and to prevent the dangerous consequence of permitting such persons to hold, or exercise any place or Office of Trust or Power in this Commonwealth hath, by and with the consent of His Counsel thought fit to publish and declare, and doth hereby signify his Will and Pleasure to be, That especial Care be taken, That all Magistrates, Officers, and Ministers of Justice elected and chosen within the several Places of this Commonwealth, shall be such as are of pious and good conversation, and well qualified with Discretion, Fitness and Ability to discharge the Trust committed to them. And that no person or persons of what quality or condition soever, whose estates have at any time heretofore been duly sequestred, or their persons imprisoned for their delinquency, or who did subscribe, or abet the said Treasonable Engagement, or have been in any wise aiding, assisting or abetting the late King, or his Family or Allies, or any other the Enemies of this State and Commonwealth shall be elected, or give his or their voice or vote, in the election of any Person or Persons to any Office or Offices, Place or Places of Trust, Power or Government, within this Commonwealth; or shall hold, exercise, or execute by him, or themselves, or his or their Deputies and Assigns, any such Office or Offices, Place or Places within the same, untill his Highness Command be further known, on pain of his Highness Displeasure, and such penalties and punishments as may and shall be severally inflicted on them as disturbers of the publique Peace, and contemnners of his Highness just Commands herein; And for the better and more effectual execution of the Premisses, His Highness doth hereby straightly charge and command all Sheriffs, Mayors, Bayliffs, Constables, Head-boroughs and other Officers and Ministers both Civil and Military in their several Places to take especial care, That this His Highness Pleasure, and express Commandment, be from time to time in every thing duly performed, as they and every of them will answer the neglect of their duties herein, whereof His Highness will expect a strict and due accompt from them.

'Given at White-Hall, the one and twentieth day of September, in the year of Our Lord God One thousand six hundred fifty and five.'

The language of the act passed on 8 Oct. 1652 (to be found in a collection in the British Museum, of which the press mark is 506, d. 9, no. 146) is correctly quoted at the beginning of this proclamation. It appoints cases to be heard before certain commissioners, with power to impose on offenders a fine not exceeding 100*l*. The act is to

certifie the name of the persons soe elected unto us, that, being approved, they may be sworne accordingly.' Haynes's doings at Colchester are described in his letter of 20 Dec. (1655), in which he says that after removing from the list of voters all those disqualified, as directed,

there remained not above 140 persons as electors. Of them the honest interest had but 74. How great need these few and weake hands and hearts have to be strengthened I submitt to your honour's consideration, especially considering the populousness of the place, and that there were 1800 hands set to the personall treaty and petition.⁵⁹

He significantly added that

unless some speedy change be made in such malignant corporations, it's not for such honest men that would serve you to abide in their present stations; for no longer than such a severe hand as there was in this election be held over them, will any good magistracy be countenanced; which if it may by any means provoke to the doing something effectual in the charters of corporations, I have my end, and I am sure the hearts of most that fear God will be rejoiced.

Although by this forcible intervention Barrington's party had, for the time, secured the annual offices for themselves, their consciousness that the free burgesses were against them by a solid majority led them to desire such a change in the town's constitution as should permanently secure their power by taking away from the free burgesses the rights of election they possessed. Accordingly on 10 March (165 $\frac{1}{2}$) they to the number of twenty-two (out of the forty-two members composing the corporation) agreed at a meeting of their body to petition the Protector to alter their charter.⁶⁰ The original petition is preserved among the State Papers, and its words are worth printing.

That your Petitioners are very sensible of y^e great trouble caused to your Highnes and your most Honorable Councill by y^e complaints which have been made in severall addresses of y^e Petitioners occasioned by y^e late differences in this Corporation, And findeing y^e Foundation thereof to bee y^e Constitution of y^e present Charter, whereby in many particulers

expire on 28 Sept. 1655—that is to say, seven days after the date of the Protector's proclamation.

⁵⁹ Thurloe, iv. 330.

⁶⁰ 'At this assembly it is agreed and now ordered that Master Mayor' and the other officers 'shall goe to London to attend his Highnes with the said petition,' &c. &c. This order was signed by the five senior aldermen, seven assistants, and ten councillors. A bare majority of the whole body had now been secured by the adhesion of Joseph Newman, an assistant who had signed the great petition of the Reynolds party. The assembly book records only very occasional meetings of the council at this critical period. The dates of assembly given are 30 Oct. 1655, 4 Dec. 1655, 21 Dec. 1655, 21 Jan. 1656, 2 June 1656, 12 Sept. 1656 (assembly book, fols. 140-144). This last was the first meeting under the new charter.

too great a power is given to y^e people to slight the Magistracy of y^e said Towne and render them uselesse in their places, whereby wickednesse & Prophanesse is much increased to y^e great discouragement of honest men, living in and about y^e said Towne.

Your Petitioners most humbly pray that your Highness would bee pleased to graunt them a Charter with such provisions as may most tende to y^e constituting and Maintayning of a Magistracy to govern in y^e said Corporation, which may (by countenancing of Religion & Sobriety) preserve that Interest which God hath been pleased soe ominously to owne in our dayes.

The Committee for Corporations deputed Sydenham and Desborough to make the necessary alterations in the provisions of the existing charter, and the changes are shown in a manuscript among the State Papers which gives the old and new provisions in parallel columns. The net result was to make the corporation a close body, selected in the first instance by the Protector himself, and afterwards filling by co-optation any vacancies in its ranks. Moreover the members for the borough were to be elected in future by this packed corporation alone.

On 21 Aug. (1656) the council made an order approving of the names submitted to them—those, namely, of ten aldermen and twenty-four councillors—for the assistants were abolished in the new charter, and the numbers of the whole body reduced from forty-two to thirty-four. A sufficient number of Barrington's opponents were, of course, excluded from the new body to secure him a clear majority. The net result of Cromwell's 'purge' was that fifteen members—more than a third of the whole—were expelled from the corporation; these were three aldermen (Thomas Reynolds, 'draper,' Thomas Peeke, John Milbanke⁶¹), four assistants (John Rayner, John Lufkin, Gabriel Hindmers, Henry Lambe, 'apothecary'), and eight of the common council (William Talcott, Thomas Reade, John Lambe, Thomas Radhams, Thomas Bales, William Moore, John Brasier, Jeremy Daniel, 'not sworn'). It is of special importance to observe that four of these men (Peeke, Milbanke, Rayner, Hindmers) had actually signed the order of 7 Nov. 1648 expelling the loyalist members. On the other hand Henry Lambe had been then among those expelled, and was now denounced with John Brasier as a known 'malignant.' Attention should be called to the fact that it was the three junior aldermen and all the eight junior councillors⁶² who were now expelled; for this proves that the recent elections had all been anti-Cromwellian, and that, for some time past, there must have been a moderate, and even royalist, reaction in the town.

⁶¹ Milbanke's case was peculiar. He was nominated a councillor in Cromwell's charter, but refused to serve.

⁶² The two junior assistants were also among the four expelled.

As Cromwell's charter had reduced the total of the corporation from forty-two to thirty-four, there were but seven vacancies to be filled, although there had been fifteen expulsions. Two points are particularly noteworthy—one, that Thomas Reade and William Moore were omitted from the new corporation, although they had actually signed as councillors, the tenth of March preceding, the petition for a new charter; the other that Aldermen Gale and Radhams were allowed to retain office, while Alderman Milbanke was nominated a councillor, though he and John Reynolds, also so nominated, refused on 22 Dec. (1656) to take the oath, and were accordingly replaced by Nathaniel Gilson and Richard Clerke.⁶³ It is clear, therefore, that Cromwell did not make a clean sweep of Barrington's opponents in the new corporation, and was satisfied with giving him a large majority.

The new charter must have been granted between 21 August and 12 Sept. (1656), for we read in the corporation records of the assembly of the newe Mayor Aldermen and Comon Counsell sworne this twelveth day of September for the yeere of our Lord One thousand six hundred fiftie and sixe by vertue of the Charter of his Highnes the Lord Protector, &c.⁶⁴

And the same day the members of this new body were 'sworne by vertue of the newe Charter of his Highnes the Lord Protector,' &c.⁶⁵ They lost no time in acting on the charter's provisions, for they proceeded at once to elect as members for the borough Henry Lawrence, president of the Protector's council, and John Maidstone, steward of his household. As the writ for the election had been issued by the sheriff so far back as 15 July, it would seem as if the election was postponed till it could be made under Cromwell's charter by the new packed corporation. The free burgesses, however, as the assembly book duly records, asserted their right by electing the same day 'John Shawe Esq. and Collonel Biscoe.'⁶⁶

Ten days later the assembly again met (22 Sept. 1656), 'it beinge the daye appointed by his Highnes the Lord Protector's charter for the choosing of a Mayor and Justices of the Peace of this Town.'⁶⁷ The council nominated Furlie and Vickers, and of these the aldermen selected Vickers as mayor.

We can now pass straight to Richard Cromwell's parliament, for which, again, there was a double return. The writ for Colchester was issued 18 Dec. 1658, and a month later (18 Jan. 1658⁸) 'John Maidstone Esq., Cofferer to his Highnes, and Abraham Barrington Esq.,'⁶⁸ Clerke of the Green cloth, by the

⁶³ Assembly book, fol. 152 b.

⁶⁴ *Ibid.* fol. 144 b.

⁶⁵ *Ibid.* fol. 145.

⁶⁶ *Ibid.* fol. 146.

⁶⁷ *Ibid.* fol. 147 b.

⁶⁸ This was Henry Barrington's son, for whom the government had now, it seems, found an appointment.

Mayor, Aldermen and Common Counsell of the said Burrough of Colchester are elected,'⁶⁹ &c. And the same day the free burgesses elected John Shaw, Esq. (the alleged 'malignant'), and Abraham Johnson.

On this occasion the whole question of right to elect the members for the borough was fought out in the house of commons. Burton notes, on 5 Feb., 'All day till candlelight taken up in the business of Colchester.'⁷⁰ By a bare majority the corporation's right to elect the members itself was called in question, and on 22 March the committee reported against it.⁷¹ Later in the year the restored 'Rump,' anti-royalist though it was, ordered (28 May) that the whole corporation should attend a committee of the house, 'and bring with them the two last charters granted,' with the result that on 18 July it was 'Ordered by the Parliament'

that Mr. John Radhams late (*sic*) Mayor of Colchester in the County of Essex, chosen by the old Charter,⁷² be Mayor of the said towne of Colchester, and that he doe forthwith take upon him the operacion of the Mayoralty of Colchester, and that Mr. Barrington⁷³ doe forbear to disturbe him in the operacion of the said office or to take upon him the office of Maior of the said Towne.

The very next day Radhams was sworn in⁷⁴ 'before Mr. Thomas Reynolds, late Mayor of the said Towne.' The whole Cromwellian fabric had crumbled, locally, into dust.

The last meeting of the corporation under Cromwell's charter had taken place on 21 June; at the next meeting (21 July) its whole composition was changed. Cromwell's charter had ceased to operate, and the *status quo ante* of three years before was restored.⁷⁵ The surviving members of the corporation, whom that charter had excluded, now resumed their seats. Among them were the three aldermen Reynolds, Peeke, and Milbanke, while Talcott, Beacon, and Vickers, who had been intruded into their places, were compelled to retire, together with Abraham Barrington,⁷⁶ elected alderman by co-optation under the provisions of Cromwell's charter.

Some of the members of the corporation, as it existed before that charter, having died or disappeared in the interval, it became necessary to elect others in their places. Accordingly, on 21 July, we find three of the common council, John Brasier (the royalist),

⁶⁹ Assembly book.

⁷⁰ *Diary*, iii. 65.

⁷¹ *Ibid.* iv. 223-4.

⁷² *I.e.* in September 1655.

⁷³ *I.e.* Henry Barrington, mayor at the time, having been chosen under Cromwell's charter.

⁷⁴ Assembly book, fol. 194b.

⁷⁵ And, further, the election of Radhams as mayor in 1655, which had been quashed by Cromwell, was now recognised.

⁷⁶ He became once more only an 'assistant.'

Thomas Radhams, and John Harrison (of whom the two former had been purged out by Cromwell), promoted to be 'assistants,' together with Andrew Fromanteel, elected from outside. On 9 August Jeremy Daniell (who had been 'purged,' like them) was similarly promoted, and four fresh men added to the common council. Another four were added a month later (9 Sept.)

The right of election being now restored, under the old charter, to the burgesses, Reynolds was chosen mayor at the election on the old date (5 Sept.) As he declined to serve,⁷⁷ his friend Peeke took office.

Four months later, on the eve of the Restoration, it was boldly resolved by Reynolds and his friends to expel Barrington and his party from the corporation. They accordingly made the following order (17 Jan. 1658) :—

Ordered that upon Thursday next (being the 19th day of this instant January) the freeburgesses of this towne shalbe sumoned to appeare at the Moothall to choose such officers for this towne in the roome of those that have neglected their duties and not executed and performed those places respectively into w^{ch} they were chosen, And those gentlemen of the howse into whose places others are intended to be chosen in their roomes (*sic*) shall have notice of that meeting so that they maie, before they be displaced, make what excuses they can for the neglect of their duties & places as may be then thought reasonable.

At this meeting on the 19th, 'Mr. Recorder and the freeburgesses being present,' nine members of the corporation were purged out of it. These were the four senior aldermen, Henry Barrington, John Furley, sen., Thomas Lawrence, and Richard Greene ;⁷⁸ four 'assistants,' John Furley, jun., Abraham Barrington, John Reynolds, and Joseph Newman ; and one of the common council, William Talcott.⁷⁹ The promotions within the corporation thus rendered necessary caused nine vacancies in the common council, which were filled by election from outside.⁸⁰

The strength of the reaction in the ancient borough was reflected, as a matter of course, in its election for the Convention parliament. On 19 April (1660) 'the Mayor, Aldermen, Assistants, Common Councill, Burgesses, and Cominalty of the borough of Colchester' elected as their members (the 'malignant') 'John Shaw Esq. Recorder of this town And Sir Harbottle Grimston

⁷⁷ Assembly book, 19 Sept. 1659.

⁷⁸ See p. 654, above. Wade had died or retired previously. Thus of all the aldermen sitting under Cromwell's charter there remained only Gale and Radhams (see for them p. 658, above).

⁷⁹ The four new aldermen were John Rayner (Barrington's *belle noire*), Peter Johnson, Andrew Fremanteele, and Jeremy Daniell.

⁸⁰ Those chosen were Francis Pollard, Robert Hummerston, Mathew Ive, William Flanner, Richard Busher, Robert Smith, 'carpenter,' James Martin, Daniel Wall, Samuel Great. One of these, Hummerston, had been purged out in 1648 (see p. 647).

Baronett.'⁸¹ The latter was, as we should say now, their 'old and trusted member' in the Long Parliament.

One of the most interesting but most difficult questions raised by the story I have told is that of the composition and the aims of the two parties whose struggle we have traced. Mr. Gardiner holds⁸² that the opposition to Barrington and his friends was probably 'of a composite nature, being formed partly of royalists and partly of members of the various sects which swarmed in Colchester.' Such a coalition, he points out, from its parallelism to Wildman's schemes for uniting levellers and royalists, 'almost raised a merely municipal complication into the dignity of a national event.' Although it is a common phenomenon in history to find extremes united for a time by hostility to a middle party, it had always, I confess, seemed to me that the Colchester struggle was sufficiently accounted for by another familiar historical phenomenon, the reaction which, after a victory is won, leads the more moderate members of a party to sever themselves from its extremists, and even to oppose their violence. It is necessary for my argument to cite Mr. Gardiner's words in describing Haynes's action at Colchester in December 1655. He points out that as Haynes could only, under Cromwell's proclamation, exclude 'delinquents—that is to say, royalists'—from voting, and that as, out of the 140 'non-royalists' left, 66 voted against the government candidates, 'who could these be but Baptist extremists, Fifth Monarchy men, and so forth?' But why? Presbyterians and other moderate men might be opposed to Cromwell's growing absolutism and to the dominance of his army, without ever having acted as delinquents and exposing themselves as such to disfranchisement. It is my position that there was in Colchester a strong middle party, which had largely swung round, after the first civil war, in 1647, and which the growing unpopularity of Cromwell and the detestation of military rule had now greatly strengthened.

Of the existence of this party there are certain clear indications. We have, firstly, Haynes's allusion to the 1,300 signatures from Colchester alone in favour of a personal treaty; in the second place we have the fact that, politically speaking, the principal personage in the town was Sir Harbottle Grimston. He had a good house there, had become its recorder as early as 1638, and had represented it as member in the Short and in the Long parliament. It was to him, again, that the borough turned on the eve of the Restoration, and he continued to represent it in parliament

⁸¹ Assembly book.

⁸² I am here quoting only from his manuscript before me (see p. 650, above).

till 1681. Now Grimston's career is a well-known one. A puritan's son and a puritan himself, he had been a furious opponent of Laud, and had retained his seat as member for Colchester till driven out by 'Pride's Purge.' Disapproving of the king's execution, he had resigned his recordership and gone abroad in 1649, and, when returned as member for Essex in 1656, he was among those whom Cromwell excluded from their seats. It appears to me highly probable that his example had an influence on Colchester, and that others—presbyterians or moderate men—who had begun by opposing the king ended by veering round and hoping for a restoration. The third fact worth consideration is that on 17 April 1672 a license was issued for Edward Warren, presbyterian, to minister to a congregation at John Rayner's house in Colchester.⁶³ Mr. Warren was the ejected minister of the important church of St. Peter's, and John Rayner is already known to us as a leading opponent of Barrington.⁶⁴

In conjunction with this evidence we may glance at the further changes wrought in the corporate body by the Corporation Act, which was mainly directed against the presbyterians. Out of the ten aldermen then in office no fewer than four went out (5 Aug. 1662), including the mayor himself, John Milbanke.⁶⁵ The other three were Thomas Peeke, Peter Johnson, and Jeremy Daniel, all of whom had opposed Barrington. A fifth alderman of their party, Radhams, died just at this time, so we cannot say how he would have acted. Thomas Reynolds himself, however, took the oaths and retained office. The new mayor was Henry Lamb, whom we have met with as an actual royalist, and Thomas Reynolds succeeded him a few weeks later.⁶⁶

One of Mr. Gardiner's points in favour of his own view is that Barrington's party accused their opponents of 'threatening utter ruin to the interest of religion and sobriety,' which language, he writes, was 'inapplicable to royalists, whether episcopalian or presbyterian.' But, as he once pointed out to me, one cannot take very literally the charges flung at one another by heated opponents, and it was the object of Barrington and his friends to connect their opponents, as far as possible, with 'malignancy,' swearing, and drinking, which latter two charges could too often with truth be applied to the cavaliers. The one strong point, as it seems at least to me, that is made by Mr. Gardiner is that the Reynolds party praise the Protector for having brought about 'a just freedom and liberty in the work and service of Jesus Christ.' I must leave it, however, to others to say whether these words might not apply to

⁶³ *State Papers, Domestic.*

⁶⁴ Unless it was a son and namesake of his.

⁶⁵ A well-to-do grocer in St. Nicholas's parish.

⁶⁶ See, for all this, Assembly book, *ut supra*.

relief from the Laudian tyranny denounced by Grimston, or, failing that, might not be inserted as an obvious sop to the Protector, whom the Reynolds party were avowedly trying to conciliate. There is, however, another point of which Mr. Gardiner was not aware, and which might fairly be claimed as telling in favour of his view. At the election of 1654 there was so close a contest between Maidstone, the Cromwellian candidate, and Goffe, who must be considered as representing the sectaries in opposition, that at the poll (July 1654) Maidstone secured only 102 votes to Goffe's 98.⁸⁷ As the names of the voters are, fortunately, preserved, we can see that the voting practically went on strict party lines, except that Mr. Shaw voted for Maidstone and Alderman Cooke for Goffe. The latter's supporters were headed by Peeke, then mayor, followed by Radhams, Gale, Reynolds, Rayner, and Milbanke; while Maidstone's list is headed by Barrington, who is followed by Greene, Vickers, the Furleys, and the other members of his party. My own explanation of this voting would be simply that, as Goffe was the only candidate in the field whose election could be deemed embarrassing to Cromwell, the anti-Cromwellians, even if presbyterians, agreed to vote for him *en masse*. Their support of him, in that case, would not of necessity imply their own predilections.

There is, indeed, some reason for holding that, so far from joining Reynolds's party, the local sectarian extremists might, from fear of the 'malignants,' have given their support to Barrington. His opponents charged him with not distributing the money sent from London, after the siege, for the sufferers, and finally disgorging a portion only for the 'poor of the Separate Congregations.'⁸⁸ Stronger evidence, however, is afforded by the fact that among the signatories to the petition of his party we find the name of Stephen Crisp. Now Crisp had joined the Baptists and become the 'teacher of a separate congregation' some years before, and developing into a quaker about the time of this petition, was imprisoned as 'a disturber of the public peace,' in 1656, at Colchester.⁸⁹

It may seem to some that this paper is only a minute investigation of a purely local squabble. But, as we have seen, Mr. Gardiner himself has pointed out the importance of the case as a test of Cromwell's methods and a type of a widespread movement. The real question at issue between us is whether the opposition to Barrington, and, through him, to Cromwell himself, was composed, as Mr. Gardiner is inclined to believe, of an unnatural combination of royalists with levellers and other sectaries, or represented the

⁸⁷ Assembly book, fol. 113.

⁸⁸ This incidental remark seems to give a clue to his sympathies.

⁸⁹ *Dictionary of National Biography*, xiii. 98.

veering round of that great middle party which has, in English politics, so often held the balance. If I am justified, to any great extent, in holding the latter view, the point becomes of extreme importance. I have no intention of discussing here whether Cromwell was right or wrong; but it is beyond question that a great number of those who made their choice against the king in 1642 had no intention of putting him to death, and certainly even less of setting Cromwell in his place; and it is equally beyond question that these men, whatever we call them, presbyterians, moderates, constitutionalists, did eventually unite with the royalists in bringing back the king.

It has always seemed to me that those who have satisfied themselves that Cromwell's aims were right, and those of his opponents wrong, have shared somewhat, however unconsciously, in his own impatience of those who dreaded the dominance of the army,⁹⁰ and who, having taken, in the great struggle, the side of parliament and of the constitution (as they deemed it), were alarmed by the open coercion of parliament in 1647. From this it is but a step to ignoring, as far as possible, the existence of this troublesome party, which was not prepared to overthrow that constitution for which it had fought. The 'laws and liberties' of England were no vain cry on the lips of those who rose against the army in 1648; and, it is because the strength of that feeling has not had justice done to it that I have always hoped to find an opportunity for dealing with that critical year and showing the weakness of the case presented for the execution of the king.

J. H. ROUND.

⁹⁰ The disgust he expressed at the Essex petition, in 1647, is well known.

The Foreign Policy of England¹ under Walpole

PART III.

THE feeling excited in England and France by the treaties of Vienna was almost akin to panic. This was, no doubt, partly due to the fact that, from what was known of the treaties, still more was suspected; the only part of the treaties that was officially made known was that Spain and the emperor had guaranteed the treaty of the quadruple alliance and had settled their differences in minor matters, but the rumour of an alliance by marriage between the two courts was very positive, and it was naturally imagined that they would not have entered into such an engagement without having some far-reaching plan calculated to stir up Europe from its foundations. The feeling of suspicion was only increased, perhaps advisedly, by the wild talk of Ripperda at Vienna and by the king and queen of Spain. Ripperda boasted in all companies of the designs he entertained of setting up the Pretender on the throne of England, of recovering Gibraltar, and of laying France low.² The king and queen of Spain, as we have seen, demanded the restitution of Gibraltar as soon as the completion of the treaties was known; and at the same time Stanhope reported that, according to the talk of Madrid, the treaties contained secret articles stipulating the marriage of an archduchess to Don Carlos, the emperor's promise of help in recovering Gibraltar, assistance from Spain to the emperor in a religious war arising from the oppression of the Polish protestants in Thorn, and advantages in trade to be given to the emperor, especially in reference to the Ostend Company.³ Even the emperor, though at first much more careful of the susceptibilities of England, subsequently increased the feeling of alarm by coolly offering his mediation to settle the commercial disputes outstanding between England and France, a proposition which was indignantly refused, 'there being

¹ Owing to the author's absence abroad this article has not enjoyed the advantage of his revision in type.—Ed. *E.H.R.*

² See Syveton, p. 127; Stanhope, vol. ii. ch. xiii. p. 121.

³ Add. MS. 32743, f. 295 (June 1725).

no difference but what has been since created by the court of Vienna itself between the two crowns.'⁴ At any rate, apart altogether from the ill-digested schemes of Ripperda, sufficiently serious results would have followed for England and France if the policy initiated by the treaties could have been carried out. The emperor's chief objects in it were the development of his Ostend trade, which he seemed to have obtained by the commercial concessions granted to him by Spain; and the security guaranteed to his scheme of succession by Spain's acceptance of the Pragmatic Sanction. Spain, on her side, hoped to establish Don Carlos in Italy without having to call for the assistance of England and France, and to pay them their reward in commercial guarantees, to recover Gibraltar with the help of the emperor, and lastly, if the Austrian marriages took place, to reunite under one head the vast dominions of Charles V in Germany and Spain.

One immediate result of the alliance was to strike a fatal blow at a cherished object of both France and England; it deprived them of their power of holding the balance between the contending factions in Europe, and of maintaining a secure position by which they could only profit from the differences of other nations. Instead of being the arbiters of Europe they had to seek allies to defend themselves against a combination which seemed at least to be as strong as their own. In other respects the dangers to France from the alliance were less pressing than to England. The only points which affected France were the confirmation of the Pragmatic Sanction, by Spain and the prospective marriages of the arch-duchesses. If these marriages took place under the Pragmatic Sanction the house of Hapsburg would again join together all the vast dominions of Spain and the empire, to prevent which had been a prominent motive with France in the long war of the Spanish succession: and although the Hapsburgs would thereby be fused with the Bourbons the course of the last ten years showed how little France could depend on the assistance of even such a loyal Bourbon as Philip V. But this danger was not very immediate, as there seemed at present no certainty that the marriages would take place; and as to the guarantee of the Pragmatic Sanction by Spain much might happen to weaken its effect before the emperor died. To England, on the other hand, the danger was more immediate. By Spain's sanction of the Ostend trade she was touched in her tenderest point of commercial supremacy, and her allies the Dutch were even more hardly hit, for Spain's objection to the traffic had hitherto been her strongest support against it. An alienated Spain meant also a considerable interference with, if not a total cessation of, the West Indian trade;

⁴ Duke of Newcastle to Lord Townshend, 22 Sept. 1725 (Coxe, *Walpole*, ii. 475).

an attack on Gibraltar and Minorca must inevitably lead to a war with Spain, and possibly with the emperor; and finally there was always the danger of internal disturbance from an effective Spanish support of the Pretender. For these reasons it was clearly necessary for England to seek support to counteract the very dangerous alliance constituted against her.

Although there was thus some ground for alarm, the great perturbation displayed both in Paris and London at the sudden alliance of Spain and the emperor appears to have been somewhat unnecessary in view of subsequent events. Not only were the interests of the two powers hopelessly at variance at points where they met, but their ultimate ends were so divergent that a mutual bargain had in it no elements of permanence. The emperor's was essentially a land power, Spain's a naval power; and in Italy, where they met as it were on common ground, the emperor was never likely to welcome the advent of a Spanish prince. Nevertheless there was considerable excuse for the apprehension that was felt. Europe was still in such a state of flux and unrest that it seemed impossible to calculate what each nation in its new circumstances might come to regard as its most profitable outlet of development. But the negotiations which were the outcome of these treaties helped to make the various aims of the European states plainer, as the two groups of allies, England and France, and Spain and the emperor, attracted to themselves almost every other country in Europe, according to the interests of each. For a short time Europe was divided into two huge camps that hurled defiance at one another, and then drew apart to seek their objects by more pacific methods. It is worth attempting to set out what led each nation into either camp, and what principles besides the immediate subject of dispute were guiding their policy.

From the date of the treaty of Vienna a notable change in the relative attitudes of France and England to one another is to be observed. So far in the discussions and negotiations about Spain and the emperor, both before and during the congress of Cambray, England had been content quietly to follow the lead of France. It was France that had first made the separate treaty with Spain in 1721, and she brought England into it. Again, the whole question of the investitures was managed by Dubois, who first brought England and Spain to his point of view, and then by his cogent reasonings and determined despatches brought the emperor to agree to the allies' demands.⁵ In despatches to Lords Polwarth and Whitworth Lord Carteret explicitly stated that in the various matters relating to Don Carlos the English plenipotentiaries are to act according to

⁵ Baudrillart, ii. 526 *sqq.*

the wishes of the French ministry,⁶ and the duke followed the same system when he succeeded Carteret state. Thus in a despatch of 9 June 1724⁷ the duke presses on Horace Walpole the necessity of loyally co-operating with France, but tells him that the English ministers at Vienna have been instructed to follow the directions of their colleagues; on 30 Aug.⁸ of the same year he leaves England to decide on two alternative answers to the emperor's proposal for the peace of Parma;⁹ and even in the dispute about the Ostend Treaty, which concerned England far more directly than France, he refused the power to take the initiative.¹⁰ The reason of this was partly, as the duke of Newcastle said,¹¹ that the object of the negotiation was the establishment of a Bourbon peace which concerned France more than England; but there were also more important reasons.

Until the return of the infanta to Spain by the Bourbon England felt that her alliance with Spain was more important than that with France, who seemed more closely bound to Spain by family ties to Spain since the marriage of the regent Philip V of Spain and the betrothal of the infanta Maria Theresa. Another reason was that the impression of Dubois's weakness in the lead had not evaporated immediately after his death, and he required some time to penetrate the *duc de Bourbon*. A further reason was that England, especially during the reign of George I, was very much preoccupied in settling the 'Irish question,' and it was recognised that the only way of securing a much-desired treaty with Russia was by the help of France. Carteret made England for the time still further dependent on the good graces of France, and anxious not to offend France. He advised negotiation for the *comte de St. Florentin*. It is true that even at that time the subservience of France was more affected than real in matters which concerned England seriously at heart. Owing to the representations of France to France told the czar in April 1724 that he could not ally himself with her unless England were also made a party to the treaty, and England was constantly urging France to bring about the peace by means of her ambassadors at St. Petersburg and Constantinople.¹² France was also asked to assist Portugal, in a dispute with Spain;¹³ and the deduction of the duke of Newcastle, from the frequency of applications for such foreign powers as Portugal and Sardinia for Italy.

⁶ P.R.O. France, 366 (4 and 16 March 1724).

⁷ Add.

⁸ *Ibid.* 32740, f. 253, and cf. 32741 *passim*.

⁹ *Ibid.* 32738, f. 360.

¹⁰ *Ibid.* 32741, f. 19.

¹¹ *Ibid.*

¹² Add. MSS. 32738, f. 194, 32739, f. 287.

¹³ Add. MS. 32739, f. 117.

to settle for them their disputes with France, that the opinion held about the influence of England at Paris was very high.¹⁴ Nor did England hesitate, when a complaint came of French encroachments in Newfoundland, to enter the strongest protests against such conduct.¹⁵ But on the whole it may be laid down that in matters of European politics France rather carried England with her than the reverse.

But the altered condition of affairs created by the return of the infanta and the treaty of Vienna, joined to a recognition of the duc de Bourbon's weakness, made manifest England's superiority in the alliance. The positions of France and England in relation to Spain had become reversed, and England could, on Philip and Elizabeth's first outburst of anger at the insult, have made her peace with Spain by deserting France. This superiority of England was still further illustrated in the whole course of the negotiations connected with the treaty of Hanover. English commercial objects, both in relation to the emperor and to Spain, were the guiding principle for all these negotiations undertaken by England in concert with France. The Ostend traffic affected French merchants very little; their interest in Spanish commerce was, in many respects, more on the side of Spain than of England, and yet the French government docilely followed most of the proposals made by England to regulate these matters in her interest, and throughout it is England that takes the lead. In going through the correspondence that passed between the duke of Newcastle and France during the years 1726 and 1727 one cannot but notice the frequent evidence there is of the fact that England is now the life and soul of the alliance. It is England who spurs on France to win over some of the protestant princes of the empire,¹⁶ it is England who urges the movement of French troops into the Empire,¹⁷ who takes the initiative in checking Spain by the West Indian fleet,¹⁸ and who suggests and pushes on the various negotiations with Prussia, Russia, and Denmark; while the French have to be constantly brought up to the mark for their timidity in declaring war and for their general unreadiness.¹⁹

In England one of the chief sources of Sir Robert Walpole's strength in opposing the allies of Vienna was the support given, or supposed to be given, by them to the Pretender. In this respect the enemies of England seemed quite uninfluenced by the lessons which they might have learned from history, for William III found that nothing so much strengthened his hands in England as the proclamation of the old Pretender's title by Louis XIV at the out-

¹⁴ Add. MS. 32741, f. 367.

¹⁵ *Ibid.* 32741, f. 72 (15 Oct. 1724).

¹⁶ *Ibid.* 32747, f. 253.

¹⁷ *Ibid.* f. 282.

¹⁸ *Ibid.* 32748, f. 156.

¹⁹ *Ibid.* 32749, f. 340, and *passim*.

break of the war of the Spanish succession. At the present crisis Sir Robert Walpole professed that the only excuse for going to war for which he would have the country's support would be the proclamation of the Pretender.

If we are to be engaged in a war (he writes to Lord Townshend on 18 Oct. 1725), which I most heartily deprecate, 'tis to be wished that this nation may think an invasion by a sovereign power, or an evident design of such an invasion, the support of the Pretender, and the cause of the protestant succession are the chief and principal motives that obliged us to part with that peace and tranquillity and the happy consequences thereof which we now enjoy.²⁰

Though there was no actual stipulation in the treaty of Vienna for putting the Pretender on the throne, there is no doubt that active intrigues were carried on in his favour. Besides Ripperda's vague and boastful promises of support to the cause, the English ministry had evidence from intercepted letters that Russia and Spain, and probably the emperor, were concerned in attempting to restore him. Lord Townshend, writing from Hanover on 4 Oct. (N.S.) 1725, states that three Russian men-of-war had been carrying arms to Cadiz for the Pretender, and that Spain had remitted vast sums to Amsterdam, partly to pay for these arms and partly for additional assistance;²¹ in November Stanhope informs Lord Townshend of Jacobite intrigues in Spain, and writes that Philip's object, a characteristic one for that bigoted king, was to re-establish the Roman catholic religion in England;²² and for the next few months the foreign correspondence contains frequent allusions to the Jacobite intrigues, especially in Russia, although Sir Charles Wager's fleet soon stopped any danger from that quarter. In April 1726 the plan of operations appears to have been changed, and it was rumoured that the Pretender, supported by the emperor and Spain, was threatening an attack from Ostend.²³ But this, like the other plans, came to nothing. The fact was that the Pretender had brought disrepute on his cause by his absurd quarrels with his wife, Clementina Sobieska, and by the foolish choice of counsellors which he made.²⁴ Among others the duke of Wharton, who had lately joined his cause, was given a high place in his confidence. He was a shifty, untrustworthy man, whose changes of party and religion and intemperate habits brought him into contempt everywhere. He was sent on various missions to Spain and to the emperor, but at the Spanish court he appears to have only succeeded in blabbing the secrets of his party to the observant Keene. In July 1726 Stanhope was able to send to England the account

²⁰ Coxe, *Walpole*, ii. 486.

²¹ *Ibid.* ii. 480.

²² Add. MS. 32744, f. 439.

²³ Add. MSS. 32745, f. 491, 32746, f. 71.

²⁴ See Stanhope, vol. ii. ch. xiv.

given by Ripperda of Wharton's proposals for a treaty to be made between the Pretender and the emperor, whereby the Pretender was to agree to give up Gibraltar and Minorca to Spain, and to allow the emperor to have the Ostend trade, and other commercial facilities, while, in consideration for these promises, he was to be sent over to Scotland from Russia and assisted with the armed forces of Spain and the emperor.²⁵ Walpole was certainly right in thinking that nothing could help him better in creating an enthusiasm for the war in England than a knowledge of support given by England's enemies to a Pretender who would concede so much against England's interests.

This fear of the Pretender was a very effective instrument in the hands of the ministry in obtaining that support from parliament without which their plans of alliance would have been of no avail. And the menace to trade involved in the Ostend Company, combined with a danger to the protestant succession, touched the most influential classes not only in the house but also in the country, and made them enthusiastic to forward any schemes which the ministry might think necessary. Thus in April 1725, even before the existence of the treaties of Vienna was known, although the rupture of Spain with France had rendered foreign complications probable, the house voted a large addition to the civil list to cover the expenditure on the secret service fund; in the following year the treaty of Hanover was approved of by a large majority and an increase of supply was voted; in 1727 the ministerial measures for an increase of the army and navy were agreed to by still larger majorities and their attitude on the continent heartily supported. Thus the ministry had no anxiety about parliament and were left with a free hand to make England respected on the continent. In this respect they had a great advantage over the French government, who had no certain means of finding out how far they were supported by the nation, and who were carrying out a policy which found little favour with the commercial classes. But although the ministry were at one with the nation and among themselves in opposing the ambitious schemes of the Vienna allies they were not without their differences as to the method in which this should be done. It was obvious even from the first that the bond uniting Spain and the emperor was not strong enough to stand too great a strain. If one of the two allies were attacked it was not certain that the other would assist him unless his own interests were more deeply involved with his ally than they were as yet by the terms of their alliance. The English cabinet were agreed in thinking that a demonstration of force should be made chiefly against one only of the two allies, but

²⁵ Add. MS. 32747, f. 35.

there are indications that they were not so well agreed as to which should be chosen.

The advocates of a vigorous policy against the emperor had many excellent arguments to rely upon. The emperor himself is stated to have had various reasons for annoyance with England, such as the king's steadiness to the French alliance, his opposition to any arbitrary rule by the emperor in the empire, and his refusal to guarantee the Pragmatic Sanction without knowing what settlement was intended.²⁵ On the English side there was considerable soreness against him for his unreasonable conduct at the congress of Cambray, where, although he had owed his deliverance from the Spanish invasion of Italy almost entirely to the intervention of the mediators, he obstinately refused all means of accommodation, as though he had been the victor. In the second place England had nothing which she was willing to give to buy off the emperor, and without concessions he was intractable. There were besides two distinct matters of dispute with him in which he was not likely to yield without good reason: one was his persecution of the protestants of Thorn, which from wild talk heard at Vienna and Madrid was imagined to be only a prelude to no less a scheme than driving protestantism out of the empire or even out of Europe;²⁶ the other was the far more dangerous and insidious attack on English and Dutch trade which the Ostend scheme of commerce seemed to indicate. This last danger was one which appealed especially to the whole mercantile community in England, as by the privileges granted to the company by Spain they feared that their own West Indian trade would be ruined. Another reason why the emperor seemed a better enemy to choose than Spain was that there appeared to be a serious danger from Russia's restless condition. The czar was intriguing to get Sweden entirely into his power, so as to have absolute command over the north of Europe and to be able to put a stop to English trade in the Baltic, and he was known to be giving support to the Pretender. The alliances, however, in Germany, especially those with the king of Prussia and Denmark, which were to be opposed to the emperor's combinations, would serve a double object by also keeping Prussia in check. Lastly, an important consideration, which undoubtedly had weight in the minds of the ministry, was that not only would the French troops be much more useful in the empire than in Spain, but France would be much more likely to co-operate heartily with England against the emperor, for France had never abandoned the hope of reconciliation with Spain,

²⁵ Add. MS. 32687, f. 155 (letter from duke of Newcastle to Lord Townshend describing the council which took the treaty of Hanover into consideration $\frac{2}{3}$ Sept. 1725).

²⁶ *Ibid.* 32746, f. 345.

nor had she given up her traditional enmity to the Hapsburgs. Against these arguments could only be set the following considerations: that whereas France had not yet thrown off her hostility to the emperor England still regarded him very generally as her traditional ally, sanctioned by the glorious memories of Marlborough's wars; so that it seemed almost unnatural to be at war with him, and the 'old system,' as the alliance with him was familiarly called, was thought of as the traditional and proper policy for England. This feeling was made all the stronger by the consideration that our chief strength lay in our fleet, and that whereas the fleet could help us against Spain it was perfectly useless against the emperor alone.

As to Spain, there were always two questions which might precipitate a quarrel with that power—Gibraltar and trade disputes—and in contrast to the emperor Spain was always particularly vulnerable to our attacks from our command of the sea. But, in spite of the comparative ease with which she could be attacked, the arguments against making her the objective of our combinations were very strong. Whereas the Ostend Company was a direct act of aggression on the emperor's part, we were already in possession of Gibraltar and of the West Indian trade, and although the Spanish government had used threats against us if we did not restore Gibraltar, and had talked of confiscating our trade, they had at present shown no signs of carrying out their threats. In the interests of our trade and of Gibraltar it was obviously better to avoid a rupture as long as possible: when the rupture came, whatever might be our relations to the emperor, our fleet would be free to deal with Spain. Moreover there was always the bribe of a settlement for Don Carlos in Italy wherewith to attract Spain. It was true the emperor had promised that too, but he had shown no intention as yet of fulfilling his promise, while France and England, though the congress was at an end, never wavered in their support of part if not of the whole of Spain's claims in Italy. There was, lastly, the consideration that of the two Spain would be less likely to have to fight alone if attacked; for the emperor had very few means of inducing Spain to assist him effectually, whereas Spain, who was paying a subsidy to the emperor, could always withdraw it if he did not come to her assistance.²⁸

In the cabinet Townshend was decidedly of opinion that the emperor was the more dangerous enemy, and that the principal measures must be directed against him. At first, indeed, he seems to have actually conceived the visionary scheme of conquering the Low Countries and of dividing them between England, France, and Holland;²⁹ but happily that idea did not detain him long. Sir

²⁸ Add. MS. 32748, f. 205.

²⁹ Coxe, *Walpole*, vol. ii. ch. xxviii. p. 246.

Robert Walpole, on the other hand, though not exactly opposed to Townshend's views, thought that he was over-precipitate in his vast network of northern alliances, objected to the amount of the subsidy which Townshend proposed to spend on gaining Sweden, and doubted the excessive danger of Russia's designs. He also was of opinion that more trouble should have been taken in securing the alliance of Portugal, and evidently counted from the first on a possible rupture with Spain. The duke of Newcastle, whose opinion was certainly not very valuable for deciding an important question of policy, seems to have trimmed between two views. In October of one year he was convinced of the necessity of first attacking the emperor,³⁰ while in the following March he was equally certain that it was better first to declare war on Spain.³¹ For the moment at any rate Townshend carried the day: his view was supported by the king, who strongly resented the emperor's attempts to take too much upon himself in the empire, and when he accompanied the king to Hanover in the autumn of 1725 he got the whole conduct of the negotiations into his own hands. But though he was triumphant for the time, and it is due to him that the strong confederation against the emperor, which began with the treaty of Hanover, was formed round England and France, this question of alliance with or hostility to the emperor became more instead of less acute in the cabinet, and became mixed up with the personal question which eventually led to Townshend's resignation. The duke of Newcastle, a sure barometer of the winning opinion in the cabinet, became more and more in favour of an alliance with the emperor in preference to Spain, and perhaps even to France, and the views of the old system finally triumphed after Townshend's departure. The reasons for this change, however, will be told in their place: it is now necessary to examine the combinations which England and France under Townshend's influence on one side and Spain and the emperor on theirs formed against one another; and, inasmuch as almost the whole of Europe became involved, directly or indirectly, in these two groups of allies, it may be well to take the states of Europe in order and explain the motives of policy which induced each to make its choice of group. From the date of the treaty of Vienna until the end of 1727 Europe was the scene of manœuvres and counter-manœuvres of the contending parties to secure all the countries of Europe in their confederation.

When Townshend went over with the king to Hanover in the summer of 1725, his first efforts were directed to securing the alliance of Frederick William, king of Prussia. This ruler had already by his careful finance, by his wise administration of the country, and by his splendid army, laid the foundations of

³⁰ Add. MS. 32748, f. 205.

³¹ *Ibid.* 32749, f. 265.

that greatness which in the middle of the century Frederick the Great won for Prussia. This was so conspicuously the case that his alliance was already sought after in Europe, while by his unwillingness to commit himself he often obtained promises and advantages from both rival claimants for his friendship. Thus in 1715, when he had only been two years on the throne, the French minister Torcy signalised his untrustworthiness in an instruction to the French ambassador De Croissy.

Le roi de Prusse fait aisément des avances, et s'il désire d'un côté de faire des traités avantageux d'autre part il craint également de s'engager dans de mauvaises affaires. Occupé sans cesse de la passion de s'agrandir, il est toujours incertain des voies qu'il doit prendre pour y parvenir. S'il en choisit une, à peine est-il déterminé à la suivre qu'il en reconnoît les dangers, et pour l'ordinaire il aime mieux abandonner le parti qu'il a pris que de travailler à surmonter les obstacles qu'il y rencontre. . . . On se tromperoit donc si l'on comptoit sur la fermeté de ses résolutions. Il croit qu'il est d'un habile politique d'en changer souvent.³²

But his policy was not so foolish as Torcy seems from this passage to have imagined it to be. Already in 1720, after very little exertion on the part of Prussia, Frederick William had secured by the treaty of Stockholm with Sweden a large slice of Pomerania, the islands of Usedom and Wollin at the mouth of the Oder, and the important town of Stettin, and had thereby won for Prussia a long-coveted outlet for her commerce and a bulwark against the disquieting growth of Russian power. But the object which lay nearest to his heart in continental affairs was the succession to the duchies of Juliers and Berg, which would have conveniently rounded off a Prussian slice of territory in the west of Germany, consisting of Guelders, which was acquired at the treaty of Utrecht, and of Cleves. His claim to the succession arose in the following way.

In 1609 John William, duke of Cleves, Juliers, and Berg, had died without issue, and, after much dispute, it had been settled in 1666 that Juliers and Berg should go to the duke of Neuburg, who was descended from John William's second sister, and Cleves to the elector of Brandenburg, who was descended from John William's eldest sister, but that if there were a failure of issue in either line its share should revert to the other. The present duke of Neuburg had no issue, and Frederick William, as successor to the Great Elector, claimed the reversion of Juliers and Berg; but there was another claimant in the person of the prince palatine of Sulzbach, who was heir to the duke of Neuburg and descended from John William's third sister. After the treaty of Stockholm the guarantee of this succession to himself was the chief object of all Frederick William's diplomacy; and the willing-

³² *Recueil, &c.*, Suède, p. 259.

ness and capacity of a prospective ally to secure it for him became the touchstone for the value of a proposed alliance.

It had been evident some time before the treaty of Vienna that England and Prussia had a certain community of interest. As early as September 1723 Lord Townshend had drawn attention to the advantage of a close alliance with the king of Prussia as 'a neighbouring prince, so nearly related, so well affected to the protestant cause, who has a standing force of 80,000 men and such an extent of dominions,'³³ and both England and Prussia, the one by her acquisition of Bremen and Verden and the other by that of Stettin, had an interest in maintaining treaty engagements with Sweden and in removing or overcoming the antagonism of Russia. Accordingly the treaties of alliance between England and Prussia had been renewed by the treaty of Charlottenburg in 1723, and one of the first acts of the duke of Newcastle as secretary had been to impress on Horace Walpole the expediency of the French and Dutch joining in the new treaty,³⁴ which after some hesitation France agreed to do in November 1724.³⁵ It had also been arranged that the bonds of consanguinity between the two crowns of England and Prussia should be tightened by a double marriage between the heirs to the thrones. When, therefore, Townshend began looking about Europe for alliances to set against that of Spain and the emperor, Prussia was the first power he drew into his net, and by the treaty of Hanover on 3 Sept. 1725 he started the vast European coalition he had imagined. In its wording this treaty seemed innocent enough: there was a clause guaranteeing the respective dominions of the allies and another for the redress of protestant grievances in Thorn, and it was stipulated that justice should be done to Frederick William with regard to Juliers and Berg.³⁶ But the real objects of the treaty covered by the vague guarantee clause were to preserve Gibraltar, Hanover, and France against attack, to destroy the Ostend East India Company, and to form a balance of power against Spain, the emperor, and Russia. But Frederick William's constancy proved very short-lived. On hearing of the treaty of Hanover Spain and the emperor, in spite of pacific assurances from the English and French ministers, had not been slow to perceive that it was aimed at them; but instead of intimidating them, as had been hoped, its immediate effect had been to draw them still closer to one another.

Alarmed for his own dominions at the emperor's signs of vigour, and still more at the accession of Russia to the treaty of Vienna in 1726,³⁷ the king of Prussia deemed it prudent not to

³³ Coxe, *Walpole*, ii. 266.

³⁴ Add. MS. 32738, f. 360.

³⁵ *Ibid.* 32741, f. 206.

³⁶ *Ibid.* 32741, f. 492.

³⁷ *Ibid.* 32745, f. 306 (duke of Newcastle to T. Robinson, March 1726); Coxe *Walpole*, ii. 499 (Pozzobueno to Ripperda, July 1726).

break entirely with the emperor, and before the treaty of Hanover had been signed six months he adopted the singular policy of attempting to deter Sweden and other powers from joining an alliance of which he was himself a member.³⁸ The French attributed this change of front to a quarrel which had arisen between George I and Frederick William about the marriage of Prince Frederick and a Prussian princess, and suggested that George I should make peace by waiving his scruples and sanctioning the marriage.³⁹ The duke of Newcastle on the other hand suggested that a much more effective way of overawing him would be to send a French army across the Rhine.⁴⁰ However neither suggestion was acted upon, and Frederick William, free to give rein to his prudence, signed the treaty of Wusterhausen with the emperor on 12 Oct. 1726, by which he guaranteed the Pragmatic Sanction and promised him 10,000 troops, receiving in return nothing but loose assurances from the emperor that he would persuade the Sulzbachs to give up their claim to Berg and Ravenstein to the king of Prussia.⁴¹ Indeed, these assurances could not well be other than loose, for only two months before the emperor had made a treaty with the elector palatine by which he had guaranteed the succession of Juliers and Berg to the Sulzbach house.⁴² However Frederick William was not the only one fooled, for in February of the following year he appears to have begun again to think so badly of the emperor's chances as to be on the point of deserting him,⁴³ and it was not until December 1728, after peace had been restored, that he entered into a definite treaty with the emperor on the assurance of his guarantee for Berg and Ravenstein or of an equivalent. The net result, therefore, of Prussia's part in these negotiations was that she received absolutely valueless guarantees for Juliers and Berg from both parties, but nevertheless considerably gained in prestige by the earnest bids made for her support by powers of the importance of England, France, and the emperor, whereas to England and France the Prussian alliance was, from its uncertain character, more of a burden than an advantage.

The immediate effect, as has been stated, of the treaty of Hanover was to draw closer the allies of Vienna. The emperor, who had so far been very lukewarm in his alliance with Spain, now became thoroughly alarmed at the danger which threatened him from the Hanover league, and he at last consented to enter into engagements with Spain which proved him in earnest. He would

³⁸ Add. MS. 32745, f. 207.

³⁹ Add. MSS. 32746, f. 87; 32747, f. 282 May and Sept. 1726).

⁴⁰ Add. MS. 32746, f. 480 (July 1726).

⁴¹ Baudrillart, p. 270; Add. MS. 32748, f. 156.

⁴² *Recueil, &c.*, Bavière, pp. 419-21.

⁴³ Stanhope, vol. ii. ch. xiv. p. 161.

not, it is true, go so far in the matter of the marriages as the queen of Spain asked, but he agreed by the second treaty of Vienna of 5 Nov. 1725 that if his eldest daughter should be under the age of marriage at his death she should be betrothed to Don Carlos (Art. II.); and even with this very moderate concession he still insisted that the thrones of France, Spain, and the empire should always remain absolutely distinct (Art. V.) On the other hand he committed himself entirely to Spain's policy in case a war should break out. He not only promised to use his good offices to obtain the restitution of Gibraltar and Minorca, but went so far as to engage himself to help Spain to recover them by force if war should break out (Art. XI.), and he guaranteed the Spanish trade to the West Indies in return for a Spanish guarantee of his Ostend Company (Art. XII.) At the same time he and Spain actually settled between themselves the dismemberment of France which should follow a successful war: the Belgian provinces in the hands of France, Alsace, and the three bishoprics were to fall to the emperor's share; Franche-Comté was to go either to Don Philip, Elizabeth's second son, or to the emperor; and the duke of Lorraine was to recover his possessions as they were in 1633, while Roussillon, Cerdagne, and Navarre were to revert to Spain (Art. X.) In minor matters, such as the elections of the king of the Romans and the king of Poland and the succession to Juliers and Berg, there was to be complete harmony between the two powers (Art. VIII.), and generally they promise one another the most effective support in all possible circumstances (Art. VII.)⁴⁴ The terms of this treaty, which were never exactly known at the time, but which were pretty accurately guessed, more than justify the alarm felt both in France and England at the alliance of Vienna. It is an indication of the great results which Elizabeth and her agent, Ripperda, expected to follow even from the very qualified promise of Maria Theresa's hand that they should have persuaded Philip to agree to a treaty containing such almost unnatural schemes for the dismemberment of his native land. But although the first move of England and France in gaining Prussia was thus countered they were not checkmated, and under the impulse of Townshend's enthusiasm they pursued their policy of gathering together a formidable system of alliances to meet such menaces.

Prussia in fact was only the first in the group of alliances comprehended in Townshend's scheme against the emperor. Not content with a doubtful ally in the heart of the empire, he wanted to hem the emperor in with enemies on all sides; and France appeared to offer him just the allies he wanted to do this. For more than a century Sweden, Poland, and Turkey had formed an

⁴⁴ The text of this treaty is given in Syveton, *app. i. p. 283.*

almost continuous chain of allies to France in the north and east of Europe against the emperor. Of these Sweden had been the most important, owing to the commanding position acquired for her in Germany by Gustavus Adolphus. Besides possessing on the east of the Baltic Finland, Carelia, Ingria, Esthonia, and Livonia, with all the islands at the entrance of that sea, she had at one time no less than a hundred and thirty-two fortified places in Germany.⁴⁵ Thus as a German and a protestant power she could enforce respect from the emperor, while by her control of the entrance to the Baltic she was able to give valuable protection to the French Baltic trade against the Dutch commerce and fleet. But at the same time that France's need for this protection against Holland had passed away with her alliance to the maritime powers Sweden's usefulness as an ally in any other capacity had been suddenly and irrevocably extinguished. The treaties of 1719, 1720, and 1721 had put a seal to the misfortunes which Charles XII's wild adventures had brought on his country. By the treaty of Stockholm of 1719 Sweden had agreed to George I's retaining Bremen and Verden for a money consideration; by the second treaty of Stockholm with Prussia in 1720 Sweden lost Stettin and part of Pomerania; by the treaty of Frederiksborg of the same year Schleswig had been left to Denmark, and finally by the calamitous treaty of Nystadt in 1721 Sweden gave up to Russia all her Baltic provinces except Finland. To make matters worse there was a disputed succession between the actual king, Frederick of Hesse Cassel, who had married Charles XII's second sister, and the duke of Holstein, son of Charles's eldest sister; and a change in the constitution, whereby the king had given up all authority to the senate, had made the government incompetent and powerless.

On the other hand Russia since the peace of Nystadt had suddenly stepped into the position of command in the north vacated by Sweden. Barely rescued from barbarism by Peter the Great, she had not yet impressed herself on the rest of Europe, but Peter had already very clearly realised what must be her main lines of development. He wished, first of all, that Russia should become a member of the European family of powers, and by his acquisition of the Baltic provinces at the peace of Nystadt, which gave him his 'window' to the west, he had made a step towards this consummation. Freed in the north by this peace he saw in the next place that Turkey was the power which put bounds on Russian expansion in the south, and that Turkey must either be beaten or pacified. Lastly, although Russia's views on Germany were not so aggressive as Sweden's had once been, she had begun to understand that the indeterminate frontier made by Poland and

⁴⁵ *Recueil, & ., Russie, p. xii.*

an unexpanded Prussia must be further defined, and in the process of definition it was clear that the emperor and Prussia would have to be reckoned with. At this time England showed by the anxiety with which she watched Russia's development that she perhaps more than any other country suspected her possibilities. But there were several questions which rendered an alliance between England and Russia difficult. In the little upheaval of Europe which had taken place under the influence of Alberoni and the Swedish minister Goertz, Peter had cast in his lot with Sweden against England, and he had proposed to Dubois that France should assist him in putting the Pretender on the throne of England.⁴⁶ George I's purchase from Denmark of Bremen and Verden, which had formerly belonged to Sweden, was a sore point with him, all the more as it was inextricably mixed up with the thorny question of Schleswig. In the late war with Sweden this province had been taken from the duke of Holstein and annexed by England's ally Denmark; but the duke of Holstein, who had married a daughter of Peter the Great, was supported in his claims to it by the Russian government, whereas George I, as one condition of receiving Bremen and Verden, had undertaken to support Denmark's possession of this province. There was yet another cause of difference between England and Russia about the duchy of Mecklenburg. Here the reigning duke, another connexion of the czar's, had quarrelled with his nobles, and by a sentence of the emperor had been turned out of his dominions; and, while the czar espoused the duke's side, George I, having been made joint guardian of the duchy with the duke of Wolfenbüttel, was bound to oppose him. France, on the contrary, was being constantly wooed by Russia to enter into alliance with her, and Peter had done all he could to effect this object both by a personal visit to Paris and by active negotiations. A French alliance would, he saw, be of considerable service to Russia for several reasons. In his aim at playing a part in the councils of Europe there was no power able to give him such valuable aid as France, who by her prestige and former glories was still reckoned so much the leading power in the world that recognition by her was alone sufficient to give consideration. Moreover France by her commercial interests and treaty rights had more influence in Turkey than any other nation, and Peter foresaw that occasions would often arise when this influence might be very usefully exercised in the interests of Russia; and although the emperor had an equal interest with Russia against Turkey his policy of opposing all Russian control over Poland made France a better ally to Russia for German affairs also. But in France even after the treaty of Nystadt there was hardly any curiosity about Russia, and certainly

⁴⁶ Add. MS. 32741, f. 433.

no readiness to meet her pressing advances for an alliance. France, in fact, during the first twelve years after the treaty of Utrecht, light-heartedly and on several occasions rejected the chance of securing a strong ally in the north, whose fidelity, based on gratitude and on interest, would have stood a test such as Prussia, for example, never did.

When the congress of Cambray began its sittings, relations between England and Russia were in a very strained condition, owing to their various points of difference, and there seemed a very great danger that matters might become worse through a coalition between Russia and Sweden. In July 1724 the duke of Newcastle wrote that the czar's intrigues in Sweden were so menacing that the king of Sweden might be forced to resign the throne in favour of his rival the duke of Holstein.⁴⁷ Such a result would be serious to England's interests in the north, since not only would there be the loss of an ally in Sweden, but we should probably by our treaty obligations have to defend Denmark from an attack by the duke of Holstein, who, strong in the czar's support and with the resources of Sweden at his command, would certainly attempt to recover Schleswig by force of arms. Indeed, the czar's intrigues had been so far successful that he had concluded a treaty with Sweden, whereby it was agreed that compensation should be found for the duke of Holstein's loss of Schleswig, and that he should succeed the present king on the throne of Sweden. In these circumstances the English ministry made an excellent use of the czar's anxiety to conclude a treaty with France. Though the French government showed no warmth in welcoming his overtures, they were on the whole inclined to give in to them; but the duke of Newcastle persuaded them to refuse to come to terms with him unless he would make up his differences with George I and include him in the proposed treaty of alliance. They even went further, and, again at the duke's suggestion,⁴⁸ gave orders to the French ambassador at Constantinople to persuade the Turks to put pressure on Russia, and to make her so uneasy in the south that she should be only too glad to settle difficulties in the north with England.

Unfortunately for England it happened several times in the course of the Anglo-French alliance that French envoys not only took a different view of the best French policy from that officially recommended to them from Paris, but even acted on that view. The negotiations with Russia during 1724 and 1725 were considerably hampered by this peculiarity. Campredon, the French envoy to Stockholm and St. Petersburg, was a frequent subject of complaint by the duke of Newcastle for his lukewarmness in

⁴⁷ Add. MS. 32739, f. 287.

⁴⁸ *Ibid.* 32738, f. 194.

promoting the treaty between England, France, and Bonac, the French envoy in Constantinople used his influence with the Turks to deter them from Russia.⁵⁰ But the English representations again dealing forced the French ministry to bring their order; and Campredon at last consented to act on instructions dictated to his court by England, and succeeded in obtaining the treaty. One day, towards the end of the year, he stopped Peter on his way to church, and, in a word of gratitude, reminded him that it was only due to the assistance of Bonac that he had not been attacked by the Turks. Peter showed himself so sensible to this appeal that he agreed to a treaty with the proviso that the dukes of Holstein and Schleswig should be admitted into it.⁵¹ However, the death of Peter in January 1725 prevented the accomplishment of this treaty. His successor, Catherine, though at first inclined to accept the treaty, became so disgusted with France's rejection of a marriage between Elizabeth and Louis XV that she pursued more strenuously than before the claims of her husband, the duke of Holstein, and put all idea of a joint alliance between England, France, and Russia out of the question. The reason for this action on the part of Catherine was, for some time after her accession the English court held the mistaken idea that her tenure of the throne was dependent on their efforts to gain Russia;⁵² and without English assistance France made no progress in that direction. Although the emperor had his agents at the Russian court, and was correspondingly earnest in representing the advantages of a French alliance. Russia, as has been pointed out, was not inclined to choose this alliance, but in view of the almost insuperable difficulties which France threw cold water on her advances, and in view of the causes of difference with England, there was nothing for her to do but to join the emperor's side. Already in the year 1725 the news of assistance offered by Russia to the emperor against Spain⁵⁴ showed that the allies had irretrievably broken up. In August 1726 she gave in her formal adhesion to the emperor.

When it had become apparent that nothing was to be expected for from Russia for the Hanover allies, the English court endeavoured to neutralise the value of this alliance to the emperor by offering Russia well occupied both in the north and the south they again tried to turn the French all

⁴⁹ *E.g.* Add. MSS. 32743, f. 163, 32744, ff. 351, 407.

⁵⁰ *Recueil, &c.*, Russie, p. 255; Add. MS. 32745, f. 99.

⁵¹ *Recueil, &c.*, Russie, p. 255; Add. MS. 32740, ff. 20, 21.

⁵² *Recueil, &c.*, Russie, pp. 256-8; Stanhope, ch. xiii.

⁵³ Add. MSS. 32742, f. 515, 32743, ff. 1, 3, 32744, f. 5.

⁵⁴ Add. MS. 32744, f. 543; Coxe, *Walpole*, ii. 482, 483.

The Turks had for a long time been closely bound to the French monarchy. Although the kings of France, not so much on account of religious scruples as from a fear of public opinion in Europe, had never ventured to make a formal treaty with the Grand Signior, they occupied an exceptional position of power at the Porte. Their ambassador took precedence of all other ambassadors, had absolute jurisdiction over the French 'nation,' and had almost the position of an independent power. The importance of French commerce in the Levant, and the common interest of France and Turkey against the emperor, were the causes of the proud position for France at Constantinople, where the French king was almost regarded as the natural counsellor for the sultan to turn to in matters of European policy. It is true that France was beginning to feel the effects of English energy even in the Levant, but she was still the predominant power there. It was this influence with Turkey which the duke of Newcastle was trying to bring into play; and it seemed all the more easy to do so as the Turks had causes of complaint against Russia as well as against the emperor. As regards the emperor the Turks were still very sore at the crushing defeat they had sustained in the last war, resulting in the treaty of Passarowitz of 1718, by which they had been obliged to give up Belgrade and the banats of Temeswar, Wallachia, and Servia. But they had been so badly beaten then that there seemed at present no prospect of their attacking the emperor without a very favourable opportunity. Russia also, under the energetic rule of Peter the Great, had suddenly become a menace to Turkey on the Black Sea, the Caspian, and even on the Danube, and at the present moment there were some troubles going on in Persia, by which the English saw that a diversion could be created against Russia by the Turks.

In 1723 a revolution had occurred in Persia by which Russia, under pretence of supporting the reigning dynasty, had profited by seizing the important ports of Baku and Derbend, on the Caspian Sea. The Turks, naturally alarmed at these successes, made a treaty with Russia in June 1724, by which both parties profited at the expense of Persia and agreed to abstain from further interference in Persian affairs. However at the end of the following year the troubles in Persia broke out again, and Turkey saw in them an excellent opportunity of seizing Gilan, the province on the south-west of the Caspian, next to the new Russian possessions, and talked of denouncing the treaty with Russia, though the prospect of an alliance between Russia and the emperor rather alarmed the Turks, and they hesitated to break with Russia if there was a chance of it. But such a diversion against Russia was exactly what England wanted; Stanyan, our ambassador at Constantinople, was ordered to encourage the Turks in this idea, and strong representations

were made to the French government to induce the same policy.⁵⁵ The French, however, were slow to argue that a rupture between Turkey and Russia would be to the emperor from any fear of a Turkish invasion and to give additional confidence, whereas the duke of Newcastle, with a truer knowledge of the Turkish character, and the ardour of the Turks, when once aroused by a rupture with the infidels, was apt to develop in all directions, and to be more rather than less likely to be involved in any war if Russia were attacked.⁵⁶ The French in the end gave in to these views,⁵⁷ but their ambassador again refused to do better and would not at first co-operate with the English to the limited extent of his instructions. In the end they might have gained confidence by the despatch of a fleet to the Baltic against Russia, made no attack on her possessions, but contented themselves with obtaining some advantages at the expense of Persia, and with an article by which they bound themselves not to assist Persia.⁵⁸

Thus two failures in the negotiations of the 1720s were partly to the slowness of the French government in changing their minds, partly to their inability to enforce their will on their own ambassadors. In both cases they were the chief sufferers. Russia, it is true, was to be benefited by them by their loyalty in not making a treaty with Persia, but if they had understood the increasing importance of Persia, they thought it worth while, the Russian desire for a treaty with England strong at first that they could easily have insisted on England with them; but they failed to see this by their failure not only lost Russia for the time being, but found Russia firmly established on the side of the French in the Polish war and the war of the Austrian succession. In the Polish war especially Russia did considerable harm to France, and in both wars England was really the greatest enemy to France, as in both England's sympathies were on the side of the emperor. In Turkey, too, the hesitancy shown by the French envoy, instead of the triumphant attitude assumed by Louis XIV, was probably the first step towards the loss of French influence at Constantinople which became more marked as the century proceeded. The English were not so sure of what France wanted, and lost confidence in her so that they began gradually to look on the English as the

⁵⁵ Add. MS. 32745, f. 99.

⁵⁶ *Ibid.* 3

⁵⁷ *Ibid.* 32747, f. 214.

⁵⁸ An interesting account of this Persian affair can be found in the correspondence with the secretary of state (P.R.O. Foreign Office MSS. 1723], 26 [1723-1729]).

as almost the equal of the French, after seeing him take the lead in the alliance of the two powers. As, however, Russia was lost and Turkey was not as useful as it might have been, Townshend had nothing to do but to try and checkmate the alliances against him by further combinations.

Poland was the centre of the chain of allies which France formerly had against the emperor, and, though internal dissensions had considerably weakened her power, her union under the same ruler with Saxony made Augustus, king of Poland and elector of Saxony, a useful ally against both Russia and the emperor, a fact which was recognised by the allies on both sides. There were actually three questions which seemed likely to have a determining influence on the king of Poland's decision with which side he should cast in his lot. The first was that of the protestants of Thorn. An attack had been made by the protestant inhabitants, apparently with the connivance of the protestant magistrates of that town, on a Jesuit college there. The Jesuits complained to the government at Warsaw, and the chancellor gave their judgment in the following terms :—

- i. All the guilty parties were to be punished.
- ii. The protestants were to restore a certain church to the catholics.
- iii. The magistracy was henceforth to be composed half of protestants and half of catholics.

This judgment had aroused an extraordinary degree of indignation among the protestants of the empire, who saw in it a threat to protestant liberties generally; and the king of Poland was actually engaged in considering whether he should uphold the judgment or not.⁵⁹

The second matter, and Augustus's chief preoccupation, was as to the succession to the throne of Poland. He was very anxious to make the throne hereditary in his own house, and for that reason was intriguing with all his power to obtain the succession for his son, the electoral prince.

There was also a third question which, though not a subject of very immediate importance, might be expected to have some weight in the king's eventual policy. The electoral prince had married a daughter of the emperor Joseph, who by that emperor's arrangement of the succession should have succeeded to the Austrian possessions before Charles VI's daughters. It is true that this arrangement had been upset by the present emperor's Pragmatic Sanction, but the original claim, in spite of renunciation on marriage, might always prove a useful weapon against the emperor in the hands of the house of Saxony.

The question which chiefly exercised the kings of Prussia and

⁵⁹ See Finch's Instructions, P.R.O. (Poland).

of England was that of the Thorn protestants. As the leading protestant powers in the empire they made energetic protests against the decision pronounced against them, and for this reason alone made great efforts to detach the king of Poland from the emperor, who would be only too likely to induce him to satisfy the decision. On the other hand they were inclined to favour the confirmation to Augustus's successors of the Polish crown, and were not slow to use the argument of the electoral prince's eventual claim to the Austrian possessions as a reason for keeping clear of any engagements to the emperor.

Even before the treaty of Hanover the duke of Newcastle had called upon France to co-operate heartily with England in Poland, on the somewhat strange plea that the French being catholics and the English protestants they would have a good field for combined action in Poland, where the catholics and protestants were mixed up.⁶⁰ But besides this France had always had a peculiar interest in Poland for the value of her alliance against the emperor, and when Augustus became king Torcy had inaugurated the very wise policy of favouring his claims to the hereditary succession, in order still to preserve a steady ally in the east of Europe. But Louis XV's unfortunate marriage with the daughter of Stanislaus, a former king of Poland and still a claimant to the throne, upset this system, as it was considered necessary for the dignity of France to support his claims. But the French ministers did not yet dare to put forward his candidature openly, and the consequence was that in the instructions given to the abbé de Livry in 1726 there was the note of hesitancy which was now becoming so common in French diplomacy. He was told to talk secretly with the partisans of Stanislaus and to give them some encouragement, but at the same time not to break openly with Augustus and even to appear not to oppose his views. Thus neither was Augustus himself really satisfied, as the policy of France indicated that he should be, nor was a strong party formed for Stanislaus. It is true the abbé was told to insinuate to Augustus that the claims of his daughter-in-law should restrain him from joining the emperor, but in the affair of Thorn the same lamentable indecision was shown. Although it had been stipulated by a separate article of the treaty of Hanover that redress should be obtained for the protestants, the French government told their representative to cool the ardour of the Prussians and English, and virtually to take no sides in the question. It is true the French as a catholic power were in a delicate position, but apart from the treaty of Hanover their guarantee of the treaty of Oliva called on them to prevent any innovations in the matter of religious administration.⁶¹

⁶⁰ Add. MS. 32742, f. 290.

⁶¹ See *Recueil*, &c., Pologne, vol. i. pp. lxi, 300 *sqq.* (abbé de Livry's Instructions.)

Here again then France, more from a want of policy than from a wrong policy, prevented an alliance for the Hanover coalition, and when in the following year Poland made overtures to the king of England he loyally refused to have anything to do with the negotiation about a country in which France was interested almost more than any other nation. Consequently Augustus had nothing else to do than to close with the emperor's offer of a guarantee for succession to Poland, and declared the neutrality of his dominions.

There remained Sweden in the north, the sadly weakened third of France's old allies against the emperor. But though Sweden was almost impotent France, more from a blind instinct of tradition than from chivalrous loyalty, remained true to the old allegiance; and since the treaty of Nystadt England had come to regard Sweden as the best counterpoise to the power of Russia, especially as that treaty had transferred England's difference with Sweden about Bremen and Verden and Schleswig to Russia, where Frederick of Holstein found shelter. Thus in 1723, when an attack on Sweden by the czar was imminent, Sir Robert Walpole was forced to yield to Carteret and Townshend's demand of a subsidy of 200,000*l.* for Sweden;⁶² but by the peace of Stockholm in the following year between Russia and Sweden satisfaction was promised to the duke of Holstein at the expense of Denmark, and consequently of England also. However the treaty of Vienna seemed to upset all previous settlements, and Townshend immediately realised the importance of keeping Sweden out of the arms of Russia and of preventing the emperor from being allowed to accede to the treaty of Stockholm. But Sweden was not strong enough to choose for herself, for under the peculiar oligarchic system of government adopted there since 1720 the government was only influenced by bribes, and the country had no policy but that dictated by fear. There was, therefore, considerable danger that the combined influence of Russian armies and Russian bribes might compel Sweden to fall in with her neighbour's views. To meet these difficulties Townshend in the first place persuaded Walpole to empower Poyntz, our envoy at Stockholm, to draw advances up to 50,000*l.* for judicious distribution among the Swedish senators;⁶³ but he did more, for in the spring of 1726 he had a fleet sent to the Baltic under Sir Charles Wager to overawe Russia and give Sweden confidence. These efforts were not immediately successful, for in May Sweden allowed the emperor to accede to the treaty of Stockholm.⁶⁴ The reason of this was partly that France again was not loyally seconding England's policy, in spite of the excep-

⁶² Add. MS. 32686, ff. 284, 286 (Coxe, *Walpole*, ii. 254, 263).

⁶³ Townshend had been anxious to make it 100,000*l.*, but Walpole objected to such a large sum (Coxe, *Walpole*, ii. 471, 473).

⁶⁴ Add. MS. 32746, f. 6.

tional influence which her long-standing alliance with Sweden gave her at Stockholm: in fact Campredon, who was *chargé d'affaires* there as well as at St. Petersburg, adopted in both places the same anti-English attitude; and there also were delays made by the French government in undertaking a share of the subsidies without which nothing could be done in Sweden.⁶⁵ At last, however, the duke of Newcastle's reiterated remonstrances prevailed on the French court to replace Campredon by the comte de Brancas, who was given the strictest injunctions to act in concert with England and to prevent Sweden from listening to Russia's insinuations in favour of the duke of Holstein.⁶⁶ These vigorous instructions, aided by the impression made by the English fleet, which returned to the Baltic in the spring of 1727, were at last successful, and on 26 March 1727 Sweden acceded to the Hanover alliance on the understanding that England and France should each pay her an annual subsidy of 50,000*l.* for three years, and that she should keep up a force of 5,000 men, to be increased to 15,000 in case of emergency;⁶⁷ and England succeeded in excluding from the treaty any stipulation in favour of the duke of Holstein's claims to Schleswig.⁶⁸

This question of Schleswig, which played so important a part in the negotiations with Sweden and Russia, was also useful to the allies of Hanover in gaining them the support of Denmark. After Charles XII's death, as has been seen, Denmark had obtained as her share in the spoils of Sweden the duchy of Schleswig, which had been guaranteed to her by England, and more reluctantly by France. But the active support given by Russia to the duke of Holstein was always a menace to its possession, and the possibility of a Russian alliance with the emperor made the Danish government quite ready to fall in with the desire of England for a stricter alliance. Already in February 1726 they had rejected the emperor's proposal to them to become parties to the treaty of Vienna,⁶⁹ and in April they had still further committed themselves to the other side by sending ten ships to join Sir Charles Wager's squadron in the Baltic.⁷⁰ These dispositions on their part could only be strengthened by the rumoured intention of an invasion of Schleswig by the combined forces of the emperor, Russia, and Poland; and the English ministry became convinced that Prussia, who had not yet gone over to the emperor and was also menaced by such an attack, could only be rendered secure by the assistance of Danish troops.⁷¹ There was, however, some delay in concluding a definitive treaty, owing chiefly to the hesitation of France, who had never quite forgiven Denmark for not assisting her in the war of

⁶⁵ Add. MS. 32747, ff. 1, 245.

⁶⁷ Add. MS. 33006, f. 492.

⁶⁹ Add. MS. 32745, f. 223.

⁶⁶ *Recueil, &c.*, Suède, pp. 298 *sqq.*

⁶⁸ *Recueil, &c.*, Danemarck, pp. 132-3.

⁷⁰ *Ibid.* 32745, f. 416.

⁷¹ *Ibid.* 32746, f. 71.

the Spanish succession and had broken off diplomatic relations on some trifling question of etiquette. However in 1726, partly owing to the persuasion of the English ministry,⁷² the French envoy Camilly was sent to Copenhagen to join Lord Glenorchy in negotiating a treaty. Even then hitches occurred. In the first place the French were unwilling to part with the money required for a subsidy to Denmark, and in June the duke of Newcastle had to point out to them that they were clearly responsible for it, as the English had the expense of the Baltic fleet and of the subsidy to the landgrave of Hesse, whereas the subsidy which France had undertaken to pay the elector of Bavaria had fallen through.⁷³ A further difficulty was made by France in entering into a guarantee for paying part of any equivalent which it might ultimately be decided to give the duke of Holstein for Schleswig.⁷⁴ Finally, however, all difficulties were swept away by the duke of Newcastle's persistence, and on 16 April 1727 a treaty for four years was signed, by which England and France agreed to support Denmark against Russia and to pay two-thirds of any equivalent which the duke of Holstein might be allowed; and Denmark on her side agreed, on payment of an annual subsidy from France of 350,000 dollars for four years, to keep up a force of 24,000 men, to be further increased to 30,000 if necessary.⁷⁵

Holland was another very necessary link in the chain of alliances against the emperor, and she had been specially singled out in the treaty of Hanover to be invited to join it. Holland, it is true, had already become of little account as a power by herself: her feverish energy seemed to have been fundamentally sapped by the wars of the last century, and though the wealth she derived from commerce was still considerable, and her fleet and army were not to be despised, she had lost the power of taking any initiative in action. In policy she now invariably followed England's lead, not always with perfect readiness, but rather like the weak man who thinks it necessary to protest to save his dignity while doing what the strong man orders him. Thus she had become a party to the triple alliance, and afterwards to the quadruple alliance, and there now seemed every reason to induce her to join the alliance of Hanover, as she was almost more interested against the Ostend East India Company for the sake of her trade than either England or France. There was never, it is true, very much doubt that the Dutch would accede to the treaty;⁷⁶ but, owing to their peculiar constitution, under which a separate vote from each state of the confederation had to be taken before any joint action could be

⁷² *Recueil, &c.*, Danemarck, p. xlviij.

⁷³ Add. MS. 32746, f. 164.

⁷⁴ *Ibid.* 32748, f. 363.

⁷⁵ *Recueil, &c.*, Danemarck, p. xlviij; Add. MS. 33036, f. 492.

⁷⁶ Add. MSS. 32744, f. 543, 32745, f. 223.

carried out, and the difficulty of negotiation with the states, from the publicity and dilatoriness which attended these proceedings, nearly a year elapsed before their formal adhesion was given in August 1726. Their help was particularly useful to the allies not only for the ships and the 50,000 men which they contributed, but from their position in the north of the empire and from the command which they had over the Austrian Low Countries through their garrisons in all the frontier fortresses, given them by the barrier treaties of 1715 and 1718.

But Sweden, Denmark, and Holland only commanded the north, and Townshend saw that it would be necessary to raise up enemies against the emperor more in the heart of the empire. There were various petty German princes at that time who had no particular policy except the pursuit of pleasures, and were always willing to sell the lives of their subjects for an addition to their treasury. Among these was the landgrave of Hesse, the father of the king of Sweden, who kept a serviceable body of men and occupied a commanding position on the Rhine, between France and Germany. Already in October 1726 Townshend had made overtures to him,⁷⁷ and in the following February the duke of Newcastle engaged to secure him if the French would negotiate a treaty with Bavaria.⁷⁸ The French treaty with Bavaria and another proposed with Würtemberg⁷⁹ fell through, but in March 1726 the English made a convention with the landgrave of Hesse by which, on payment of a subsidy of 125,000*l.*, he allowed 12,000 of his troops to be taken into English service. However the duke was not so successful in persuading the French to let the landgrave occupy Rheinfeld, a strong position near Bâle, on the Rhine, commanding the entrance into Alsace. The French ministers, possibly because of this very proximity to Alsace, objected to the occupation of a fortress on their own frontiers, in spite of the duke's argument that its only effect would be to facilitate their own invasion of the empire.⁸⁰

Meanwhile the emperor had not been inactive in counter-negotiations. Already he had, in August 1726, secured Russia's accession to the treaty of Vienna. Prussia followed suit in October, deserting England and France for the emperor, and the three electors of Treves, Mainz, and Cologne had also ranged themselves on the same side. The elector palatine too had joined the Vienna alliance in 1725, and had obtained the emperor's guarantee for Juliers and Berg to descend to his relative of Salzbach; but when the emperor gave a similar guarantee to the king of Prussia the elector's zeal for the imperial cause cooled, and in 1727 he began to listen to the overtures of France. There remained the elector of Bavaria, who was of considerable importance,

⁷⁷ Coxe, *Walpole*, ii. 480.

⁷⁸ *Ibid.* 32747, f. 253.

⁷⁹ Add. MS. 32745, f. 129.

⁸⁰ *Ibid.* 32748, f. 448.

as he commanded the way into the emperor's dominions, and his traditional alliance with France against the emperor seemed likely to secure him for the Hanover allies. In February 1726 the duke of Newcastle proposed that France should negotiate a treaty of subsidy with Bavaria by which the elector should provide an army against the emperor.⁸¹ This plan was agreed to by France, and after some delay the marquis de Maillebois was instructed to open the negotiations. The elector's four conditions were—

- i. That the subsidy should be paid immediately even in time of peace.
- ii. That it should be increased in time of war.
- iii. That he should be allowed to place some reservations on his adhesion to the article in the treaty of Hanover about the protestants of Thorn.
- iv. That France and England should support his pretensions to the Austrian succession, founded on his marriage to a daughter of Joseph II.

To the first demand the French replied that the English parliament would object, but, as they had already agreed to pay the whole subsidy, this was evidently a subterfuge to escape payment; the second demand was agreed to; about the third nothing was said, and to the fourth they again suggested that England would not agree, for fear of alarming the emperor too much.⁸² The real fact of the matter was that France, as the duke of Newcastle pointed out, hesitated about paying the subsidy agreed upon with England,⁸³ and the consequence was that the elector, who was in considerable financial straits, signed a treaty of friendship with the emperor on 1 Sept. rather against his will, and chiefly because the state of his treasury could not have warranted a rupture with the emperor. However this time France took the alarm at the alienation of such a near neighbour and made a renewed effort to obtain at least the neutrality of Bavaria on a promise of renewing a treaty of 1714 about support for obtaining the Austrian succession and the imperial crown and of paying a subsidy; and in the result Bavaria agreed by a treaty with France in 1727 to remain neutral. However this treaty was not signed till November of that year, and during the whole of the critical year 1727 the emperor could count on the assistance of Bavaria.

The duke of Brunswick-Wolfenbüttel was another example of the curious morality and the want of political conviction among those smaller German princes who treated their subjects as so much meat for cannon to be sold to the highest bidder. He had previously been made, with George I, joint administrator of Mecklenburg, so that one might have supposed their interests similar to a certain extent; but his support did not necessarily follow. The position of his territories in Germany made his aid particularly valuable to

⁸¹ Add. MS. 32745, f. 129.

⁸² Add. MS. 32746, f. 164.

⁸³ *Recueil, &c.*, Bavière, p. 161 sqq.

both parties, as Brunswick was on the direct road between Hanover and Schleswig and the Austrian dominions. The emperor made the first successful bid for his assistance, and, seduced by a subsidy of 200,000 florins, the duke promised to allow the town of Brunswick to be garrisoned by the imperial troops, who thus secured a clear road into Hanover.⁸⁴ No doubt as part-payment for this compliance a suggestion was made in August 1726 that George I should be put under the ban of the empire and Hanover handed over to the duke of Wolfenbüttel.⁸⁵ This was naturally regarded with the greatest alarm in England, and the English ministry spared no pains to bring him back to his ancient alliance. English diplomacy finally carried the day, and the duke agreed to keep up a force of 5,000 men for England's benefit in consideration of a subsidy of 25,000*l.* for four years.⁸⁶ But in this instance also the change of front was not effected until the signature of the preliminaries had removed the most pressing danger from England.

All the negotiations described in the preceding pages were made with the prospect of a war in Germany, to enable the Hanover allies to withstand an attack on Schleswig or Hanover, or to carry hostilities into the emperor's dominions. It was natural that the English ministry should have devoted most of their attention to securing allies in the north, where lay the chief interests of England, Hanover, and the Dutch; but the advantage of creating a diversion against the emperor in Italy, where he had 41,514 troops, and where Parma and Tuscany, the seed of the present troubles, were situated, was not left out of sight.

Italy was, during the eighteenth century, a sort of *remainder* from which disappointed candidates for universal dominion had compensations carved out for them. By the treaty of Utrecht the Spaniards had been entirely swept out of the peninsula; the kingdom of Naples, with the Milanese and Sardinia, went to the house of Austria; the Papal States, Tuscany, Parma, and the trading republics of Genoa and Venice were left under their own governments; and the duke of Savoy and Piedmont had obtained the title of king with the island of Sicily, which had fallen to his share as a reward for his services to both sides in the war. Alberoni's plans had included the reconquest of Italy for Spain; he actually succeeded in occupying Sardinia and Sicily; and by the quadruple alliance in 1718 the map of Italy was again recast. Sicily was restored to the emperor, and the king of Savoy received in exchange for it Sardinia, which, though less rich, was nearer to his other dominions, and was, on the whole, more advantageous to him, though

⁸⁴ P.R.O. Treaty Papers, 116 ('Observations on the Abstract of the Treaties, 1725-7').

⁸⁵ Add. MS. 32747, f. 265.

⁸⁶ P.R.O. Treaty Papers, 116 (paper marked 'Mutual Succours stipulated by various Treaties').

he did not think so at the time. Spain was thus robbed of her recent conquests, and had to be content with a promise of the succession to Parma and Piacenza, and to Tuscany for Don Carlos. The interest of England in Italy was of a secondary order, chiefly to maintain the balance of power; and the reason for the destruction of the Spanish fleet by Byng in 1719 off Cape Passaro was to prevent the Spanish army being conveyed to Spain and forming the nucleus of an attack on England in favour of the Pretender.⁸⁷

Of all these various states in Italy the only one which had any vitality in it was the kingdom of Savoy, as the natural advantages of Savoy's position in the north-west corner of Italy had been turned to such good account by the astuteness of her rulers that their alliance had become sought after by the different powers that were struggling for possessions in Italy. With France on one side of them and the Milanese on the other they could prevent any effective operations either of the French or of the emperor by refusing leave for the passage of troops through their possessions; and failing an active co-operation their passive assistance became a necessity. For their services to either side they always expected and received more than a due reward, as their position made it possible for them to obtain most of their demands by deserting or threatening to desert one side for the other at the critical moment of a war. Almost every dispute in Italy gave the dukes of Savoy an opportunity of adding to their own territories without much exertion on their part, and they were gradually laying the foundation of that power which enabled their successors to secure the whole of Italy. But, although as a rule Savoy gained by the cynical indifference to the engagements of her princes, such a habit did not tend to make them popular in Europe; and, when the opportunity came, the other powers welcomed the chance of giving Savoy a rebuff. Thus, when Charles Emmanuel was forced by an imposing demonstration of strength to agree to the terms of the quadruple alliance, by which he had to give up Sicily in exchange for Sardinia, there was a universal chorus of satisfaction that he had been made to pay for some of his treacherous dealings.⁸⁸ But such reprisals were rare, and the rulers of Savoy, by their cleverness in turning their position to advantage, generally made the best of a bargain.

In the broad lines of policy, although the emperor was, from his strength in the north of Italy, Savoy's most formidable neighbour, the dukes of Savoy were more in sympathy with the emperor's aims than with those of France during this century. As far as France had an Italian policy of her own at all, its general idea was in conformity with that expounded by the marquis d'Argenson in his

⁸⁷ *Recueil, &c.*, Naples et Parme (Chevalier de Vincettes, 1719), p. 46.

⁸⁸ Baudrillart, ii. 291, 303.

'Memoirs,'⁸⁹ to expel the foreign element from Italy and to encourage the growth of independent Italian states on a federal basis, which should be accustomed to look to France as their natural leader and protector; and while the majority of French statesmen thought of little else than the gratification of Spain in supporting the claims of Elizabeth's semi-Italian sons to estates in Italy their success was not incompatible with the general policy indicated. The dukes of Savoy also no doubt had, as their ultimate aim, Italy for the Italians, but by the Italians they meant Savoy, and regarded the establishment of strong Italian states in Italy as an even greater obstacle to their designs than the power of the emperor. Until they could expel the emperor from his Italian possessions, which they could not hope to effect by force, but were very slowly accomplishing by obtaining small slices of the Milanese in exchange for services promised and often not rendered, they were quite willing to exploit for their own profit the emperor's objection to the establishment of new Spanish or Italian states in Italy. But Savoy was not a bigot in policy, and if she could see a temporary advantage in opposing the emperor she did so. In the actual state of affairs brought about by the treaties of Vienna the emperor had been obliged to abandon his opposition to Don Carlos's establishment in Italy, so that Charles Emmanuel might be expected to oppose the strong combination of Spain and the emperor. The English ministry on their side did not fail to see how important his alliance would be, since his territories bordered on Parma and Tuscany; and, after a proposal had been made to the French ministry that an attempt should be made to gain him,⁹⁰ our envoy, Hedges, was instructed to negotiate at Turin in that sense. As usual the king of Savoy would do nothing without a bribe, and the chief object of the negotiation seems to have been to reduce his terms as much as possible. He first asked for the Milanese as the price of his coming into the treaty of Hanover, but it was represented to him that even if it could be conquered from the emperor it would be very difficult to retain it, and it was suggested that he might be content with the recovery of Sicily, or if he insisted on a bit of the Milanese that it should be treated as an equivalent for the loss of the Vigevnasco. In this negotiation the French seem again to have acted with a certain want of openness to the English, but now it was in the direction of going beyond the English offers, for they agreed to confirm any conquests that Savoy might make in the Milanese. It is true that the French had greater interests at stake in Italy than England, and so were more inclined permanently to reduce the emperor's strength there; and in November Hedges was ordered to agree to the concessions made by France. But then the king of Savoy raised another point; he

⁸⁹ *Mémoires*, iv. 266 *sqq.*

⁹⁰ Add. MS. 32747, f. 245.

wanted to get his price whatever happened, and so after drawing a pitiful picture of the exposed condition of his dominions to the emperor he demanded a guarantee that he should gain something by acceding to the treaty of Hanover, whether a war took place or not. By December the duke of Newcastle had realised that nothing could be done with him,⁹¹ but he was anxious not to break off the negotiations, which were alarming the emperor; and Charles Emmanuel, persuaded that he was indispensable, went on raising his terms until in February 1727 he actually proposed that some territory should be given to him out of France, with special mention of Monaco, and that security should be given him that he would be helped to get the Milanese. However finally in March he broke off the negotiations by announcing that, as there would probably be no war, he would enter into no engagements, and thus he effectually preserved his freedom of action until some more favourable opportunity should increase the bids for his support.⁹²

All the alliances hitherto mentioned were made or projected chiefly with the object of holding the emperor in check. On land Spain was neither so capable of attacking nor so assailable, because of her peninsular position; and what neighbours she had were against her. France had in Roussillon an army of 34,774 men,⁹³ which was to be ready to invade Catalonia;⁹⁴ and her other neighbour, Portugal, had already come into the state of semi-vassalage to England, which was her condition during the greater part of the century. By the treaty of 16 May 1703, which was still in force between England, Holland, and Portugal, it was stipulated that if France or Spain attacked Portugal the English and Dutch were to defend her, and especially to protect the Portuguese ports with their fleets; and Portugal was under corresponding obligations in return.⁹⁵ Of course the assistance given by Portugal to England in a continental war was not likely to be of much value, but England's profit in the engagement lay in the very profitable commercial privileges given to her by the Methuen treaty of 1703. By this, in return for the admission of Portuguese wines into England, English cloth and wools were admitted into Portugal on the most-favoured-nation terms, a privilege which resulted, as a French author complains,⁹⁶ in the whole Peninsula being inundated with British goods through Portugal as well as Gibraltar. The close alliance of the two crowns of England and Portugal is constantly illustrated in the course of the century. The excuse, for example, on which Townshend sent Horace Walpole to Paris in

⁹¹ Add. MS. 32748, f. 448.

⁹² An account of this negotiation can be gleaned from the correspondence in the Public Record Office, F. O., Savoy and Sardinia, 43 (1726-7).

⁹³ Add. MS. 32750, f. 231.

⁹⁴ *Ibid.* 32750, f. 229.

⁹⁵ *Ibid.* 32787, f. 184.

⁹⁶ *Recueil, &c.*, Portugal, p. xli.

1723 was to negotiate the admission of Portugal to the quadruple alliance; and in the following year the Portuguese invoked the mediation of England to settle a long-standing diplomatic dispute with France.⁹⁷ But at this time, though there was so little expectation of a land war with Spain that no special trouble was taken with Portugal, Sir Robert Walpole was annoyed that Townshend had not brought Portugal to definite terms.

As a result of all these negotiations the whole of Europe could by the middle of 1727 be divided into one of two camps. On the one side Spain and the emperor could reckon on Russia, Prussia, the four electors of Cologne, Treves, Mainz, and Bavaria, Wolfenbüttel, and a neutral Poland and Saxony. On the other side England and France had secured Sweden, Denmark, Holland, Hanover, and some Hessian troops; they could also be free from anxiety on the score of Portugal, while the attitude of Turkey made it necessary for Russia and the emperor to keep watch on their southern frontiers. While the Vienna allies by this division had a slight superiority in land forces, the Hanover allies had an immense advantage at sea, where the English fleet, aided by French, Dutch, and Danish ships, far outnumbered anything Spain could provide. A fairly accurate estimate of the forces at the disposal of each side can be arrived at by comparing a paper drawn up for Colonel Armstrong, the English commissary, by Marshal Berwick in May 1727,⁹⁸ and the calculations made by Lord Hervey in his 'Memoirs.'⁹⁹ It appears from Marshal Berwick's paper that the imperial army, consisting of 166,814 troops, was distributed in the following manner:—

Naples	11,914	Empire	9,000
Sicily	10,600	Bohemia and Austria	23,568
Lombardy	19,000	Transylvania	13,284
Flanders	19,400	Hungary	60,048

while the French troops, which he estimated at 230,038 men altogether, provided the following services among others:—

Rhine army	82,691	Dauphiné army	24,499
Roussillon army	34,774	Flanders army	14,274

and among them the French had 592 pieces of artillery.

Lord Hervey's estimate of 160,000 regular French troops corresponds almost exactly with the numbers in these four frontier armies, and his mention of an additional 60,000 disciplined militia makes his total tally pretty closely with Marshal Berwick's official account. This lends probability to his statement that by reckoning in the new levies the emperor's armies came up to 200,000 men; and one may safely take his figures as the basis of the calculation by which he arrives at the following results:—

⁹⁷ Add. MS. 32741, f. 367.

⁹⁸ *Ibid.* 32750, f. 235.

⁹⁹ Chap. iii. *sub fin.*

Vienna allies :

Imperialists	200,000	Muscovy	30,000
Spanish (besides their naval power)	60,000	German princes	27,000
Prussia	70,000	Amounting in all to	387,000

Hanover allies :

French (not including the 60,000 militia)	160,000	Elector of Hanover	22,000
Danish, 24,000, to be in- creased if required to	30,000	King of England (be- sides 20,000 seamen) } Hessians in English pay } Holland (besides 18 men- of-war)	26,000 12,000 50,000
Swedish, 5,000, to be in- creased if required to	15,000	Amounting in all to	315,000

But though these figures show an inferiority in the troops of the Hanover allies it must be remembered that the principal land operations contemplated in these negotiations were to be in the empire, and there the troops of the emperor showed a corresponding inferiority to the others, for the emperor could not safely move his armies out of Hungary and the Turkish border or from Italy, so that even by adding to the others the 30,000 new levies, besides the Prussian, Russian, and electoral armies, he could only muster about 212,250 troops in the empire, while the Vienna allies, without reckoning the 60,000 French militia or army in Roussillon, could bring up 276,464 men against him.

The success of England in creating such a strong confederation against the emperor is to be measured not merely by the number of troops raised, but also by the ease with which they were obtained without imposing any serious new burdens on the country, whereas the emperor's expenses must have been almost ruinous. By the treaties which he made with the electors of Bavaria, of the Palatinate, and of Cologne, and with the duke of Wolfenbüttel, he engaged himself to pay large subsidies, and he also had the expense of raising 30,000 additional levies. If it had not been for the 3,000,000 florins sent by Spain to the emperor in 1726, he would have been quite unable to meet his obligations, as the imperial treasury was notoriously at a low ebb. England, on the other hand, kept her establishment of land forces stationary at 18,000 men in 1726, and in the following year only raised them by 8,000 to 26,000, with a corresponding increase of expense of about 330,000¹⁰⁰. Besides, the only troops which England engaged by the treaty of Hanover to send to the continent were 12,000 men, and these, in 1726, she bought from Hesse at the exceedingly cheap rate of 125,000^{l.}; and in addition to these it was only proposed to send

¹⁰⁰ Chandler, vi. 357, 383.

12,000 English troops in the following year to co-operate with the Dutch, unless some unforeseen circumstances occurred. The accession of Sweden cost England 50,000*l.* for three years, but there was a corresponding advantage in the fact that, after Sweden had thus been strengthened, England was saved the expense of a fleet to the Baltic to keep Russia in awe. In reality the chief burden of the land forces and the alliances fell on England's allies. France raised 30,000 regulars and 60,000 militia of additional troops, Holland increased her army from 20,000 to 50,000, while Denmark was to provide 30,000 troops in case of war; and the expense of the subsidy to Denmark fell on France, who also paid another 50,000*l.* to Sweden.¹⁰¹ But in spite of the moderate amount of land forces contributed by England to the alliance, which was, no doubt, partly due to the extraordinary alarm at that time shown by parliament on any hint of a large standing army, England showed no inclination to shirk her share in the burdens of the war, and amply made up for any deficiency in military expenses by the activity of the fleet. In March 1726 *carte blanche* was given to the ministry to increase the numbers of seamen,¹⁰² and no less than three fleets were fitted out for the Baltic, the coast of Spain, and the West Indies, a demonstration which enhanced the credit of the Hanover alliance, kept Spain in check, and prevented Sweden from being overawed by Russia.

Altogether the formation of this confederation was a triumph for England, and especially for Townshend, and all the more when it is remembered how great were the difficulties which England had to contend against. In Russia, Turkey, and Sweden, England found the envoys of her French allies more than lukewarm in the common cause; in Denmark there was the same difficulty at first, while in the empire all the combinations entrusted to French diplomacy broke down. At a critical moment Prussia deserted, and even the Dutch gave trouble before they would come in. Nevertheless by persistence, by a judicious use of money, and by the overwhelming impression made by our fleets, Townshend scored this great diplomatic triumph. And the triumph was all the more complete because the issue never came to the test of war with the emperor and his allies, and when the Hanover confederation had been completely formed the day was practically won.

BASIL WILLIAMS.

(To be continued.)

¹⁰¹ P.R.O. Treaty Papers, 116 ('Observations on the Abstract of the Treatie 1725-7').

¹⁰² Chandler, vi. 370.

Nelson at Naples

MR. F. P. BADHAM, in a recent pamphlet,¹ renews his attack upon Nelson's reputation, as involved in the transactions at Naples in June 1799; discussing again the old evidence, and introducing some that is new. Prominent in the latter, and alone deserving of very serious consideration, is the journal of the Cavaliere Antonio Micheroux, lately published at Naples by the Marchese Maresca.² This may be conveniently designated by its subtitle, the 'Compendio,' and it is this journal, in connexion with Mr. Badham's pamphlet, that is the occasion of the present article. Incidentally Mr. Badham in his preface (pp. vi-viii) endeavours to convict me of serious errors in statement, by misquotation or misconstruction, in my article in the *ENGLISH HISTORICAL REVIEW* of July 1899, and subsequently in a controversy between us in the *Athenaeum* of July and August 1899, which started from an attack made by him upon the accuracy of my revised 'Life of Nelson,' then recently published.

I have to regret that the limitation of space at my disposal, and the superior necessity for dealing at large with the more important question of Nelson's reputation, as affected by Mr. Badham's former charges and new matter, prevent my giving the exposition I have prepared of these fresh examples of his methods of handling evidence. Such a discussion, however, although it would certainly contribute incidentally to clear up the main subject, would have the appearance of a wearisome personal altercation; and I am further reconciled to the omission by the fact that Mr. Badham's dealing with two principal matters—Hamilton's letter to Acton of 27 June and Nelson's to Ruffo of 26 June—necessitates an analysis which will sufficiently illustrate his characteristics. The additional instances would be merely cumulative.

Mr. Badham, at the opening of his argument, very properly admits the error, of which I had convicted him, of quoting, as the words of Hamilton, a comment interpolated by Dumas in Hamilton's letter. He could scarcely do less; the error is too glaring. How grave was

¹ *Nelson at Naples: a Journal for 10-30 June 1799*. London, 1900.

² *Gli Avvenimenti di Napoli dal 13 Giugno al 12 Luglio 1799: Compendio dei fatti, &c., narrati dal Cav. A. Micheroux*. Naples, 1900.

the conclusion clinched by the false quotation was shown by me in the *ENGLISH HISTORICAL REVIEW* and need not here be repeated. Unfortunately Mr. Badham immediately betrays his tendency to hasty assumptions. 'The fact that other writers should have *verified* and repeated my quotation furnishes some proof that there is a ready pitfall in the manner in which the letter is printed.'³ That no such pitfall exists may be ascertained by any one at pains to consult the authority quoted.⁴ As I have said before,⁵ M. Dumas was perfectly exact and accurate in his dealing in the matter, by clear quotation marks, as well as by other indications, phraseology included. Mr. Badham, however, asserts that other writers have 'verified' the quotation, and yet they made the same mistake. The proneness of Mr. Badham in the past to assume, as verities, the hasty surmises of his own imagination leads me to question this assumed verification by others, which attending circumstances make especially doubtful. Can he bring evidence that any other man has so verified and so blundered? Maresca has acknowledged that he accepted the quotation on Mr. Badham's authority, without verification. Signor Lemmi⁶ and Mr. Laird Clowes⁷ both give the false quotation, attributing it wrongly to Hamilton. If either of these gentlemen, or both, or any other writer now unknown to me, will say that he, before publishing, had verified the quotation in question, he will convict himself of a great capacity for blundering, but he will relieve Mr. Badham from a fair imputation of uncandid precipitancy, even greater than the Hibernian enthusiasm which he attributes to me. The internal evidence is that both Signor Lemmi and Mr. Clowes took the quotation from Mr. Badham. For instance, the quotation occurs, in Dumas, on p. 95 and runs over to p. 96; Mr. Badham loosely gives it as pp. 94-6; Signor Lemmi follows him exactly; Mr. Clowes gives it as p. 94. Either one of these is a natural mistake for one man; the concurrence of errors in three is singular at least. Again, Signor Lemmi, although an Italian, writing in Italian, does not give Dumas's version, to which he refers, as it stands, but a loose rendering, with tenses changed and other alterations, the whole apparently translated back from Mr. Badham.⁸ Mr. Clowes follows Mr. Badham's English version quite literally halfway, after which he introduces a curious variation, by no means an improvement. Both Mr. Clowes and Signor Lemmi follow Mr. Badham in saying 'the garrisons' (plural), whereas Dumas wrote 'the garrison' (singular).

³ Preface, p. vi. My italics.

⁴ Dumas, *I Borboni di Napoli*, iv. 95, 96

⁵ *ENGLISH HISTORICAL REVIEW*, July 1899, p. 495.

⁶ *Nelson e Carracciolo*, p. 49.

⁷ *History of the Royal Navy*, iv. 396.

⁸ E.g. Dumas's final words were 'si vede che cosa ne aveva fatto.' Mr. Badham in a footnote, gives them as 'si vede che ne aveva fatto.' Signor Lemmi repeats him literally. The deviation is inconsequential, not so the concurrence.

It is open to these gentlemen, or to some one else unknown to me, to support Mr. Badham's assertion of verification; failing some proof it may justly be adduced as a further illustration of what I have before claimed is a characteristic trait of Mr. Badham's writing, viz. taking the assumptions of his own mind for truth and by adroit introduction adducing them as fact.

I come now to the discussion of Hamilton's letter to Acton, dated Naples, 27 June. The version of this used by Mr. Badham, and consequently by myself, whose concern with it, both before and now, is almost wholly as illustrative of Mr. Badham's methods of handling evidence, is that given by Dumas in his work 'I Borboni di Napoli,' vol. iv. pp. 87-9. The reader, therefore, will understand that we are here dealing with a translation of an English original, done into Italian, and in this form sponsored by a Frenchman. So much of the letter as relates to the present discussion follows here, in the Italian rendering of Dumas.

. . . Dopo buone riflessioni, Lord Nelson me autorizzò a scrivere a sua Eminenza, *ieri mattina*, presto, per accertargli che non farebbe nulla per rompere l' *armistizio* che S. E. avea creduto conveniente concludere coi Ribelli racchiusi ne' castelli Nuovo e dell' Uovo—e che la Signoria Sua era pronta a dargli ogni assistenza cui la flotta posta sotto il suo comando fosse capace, e che S. E. credesse necessaria per il buon servizio di S. M. Siciliana. Ciò produsse il migliore effetto possibile. Napoli era stata sottosopra nel timore che Lord Nelson rompesse l' *armistizio*; ora, tutto è *calmo*. Il Cardinale ha concertato coi Capitani Troubridge e Ball che i Ribelli de' castelli Nuovo e dell' Uovo vengano imbarcati *questa sera*, mentre 500 marinari saranno fatti scendere a terra per andare a guarnigione i due castelli, [sopra i quali, la Dio mercè, sventola ora la bandiera di S. M. Siciliana, mentre le bandiere della Republica, *corta vissuta*, stanno nello stanzino del Foudroyant, dove, lo spero, la bandiera francese che sventola ancora sopra Santelmo, andrà a raggiungerle. Eravamo nella lancia di Lord Nelson allorchè i marinai sono sbarcati all' ufficio della Sanità. La gioia del popolo era eccessiva. I colori napoletani ed inglesi erano inalberati alle finestre, ed allorchè prendemmo possesso de' castelli, fu in tutto Napoli un immenso *feu de joie*, e quando sopravvenne la notte, un' immensa illuminazione, come la prima notte.]

The italics here introduced—with the exception of *corta vissuta*—are by myself, and are not for the purpose of emphasis, but to enable a reader's eye readily to catch the expressions indicated. The brackets show where Mr. Badham, for the purpose of his argument, has divided the letter in quoting it.

The date of the letter first demands attention, for the occurrence of two expressions—*ieri mattina* and *questa sera*—if unreconciled, gives internal impression of contradiction, as follows. Hamilton, writing on 27 June, could say accurately that 'yesterday morning,

early'—*ieri mattina, presto*—he wrote to his Eminence that Nelson would not break the armistice, for such a letter of 26 June from Hamilton to Ruffo is on record; but when he goes on to say, seven lines lower, 'The cardinal has arranged with Captains Troubridge and Ball that this evening—*questa sera*—the rebels shall be embarked,' which is the correct English rendering of the Italian before us, he describes, as future, a transaction which on 27 June was already past; for the rebels embarked late in the afternoon of 26 June.

Until the English original which Dumas had before him is again unearthed, conjecture only can be used to account for this clear contradiction in the Italian text. Mr. Badham surmises that Hamilton wrote on the afternoon of 26 June, and used nautical time, according to which, by the usage of that day, 27 June began at noon of 26 June, civil time. He consequently refers to his own letter of that morning as having been written yesterday morning; while the transaction of embarking the rebels and placing British marines in the castles was at the moment of writing still future, as the letter makes it. By this theory of Mr. Badham's Hamilton began to write on 26 June (civil time), between noon and 4 p.m., at which latter hour the marines began to go ashore, and he continued writing as far as the first bracket. He then laid down his pen, and resumed the sentence the next day, continuing to the end of the letter, in which are mentioned transactions that certainly occurred after nightfall—'when night supervened.'

This explanation might have a certain air of plausibility were not Hamilton's use of sea time, conjectured in this instance, demonstrably inconsistent with his practice on other known contemporary occasions, as well as intrinsically most improbable. In the absence of demonstration it seems somewhat forced to argue that a British ambassador, writing to a Neapolitan minister, would use nautical time in preference to civil, and even carry his literalism so far as to call the morning of the current solar day 'yesterday morning.' Not only, however, is demonstration wanting of so singular a fact, but demonstration of the contrary is at hand. Acton, writing to Hamilton on 28 June, says—

I receive this moment your letter of the 25th inst.⁹ . . . I mention these particulars so minutely for apprising the unexpressible surprise which was made in their majesties' mind when they heard that the cardinal *in his visit to Lord Nelson* had expressed to have an order from the king to do the best he could for his majesty's service.¹⁰

⁹ Acton here mentions translating Hamilton's letter to the king and queen, also the latter's reading a letter received by her from Lady Hamilton.

¹⁰ Egerton MS. 2640, f. 28. My italics.

Now the first visit of the cardinal to Nelson was, by sea time, the afternoon of *Wednesday, 26 June* (by civil time, 25 June). Therefore, if Hamilton commonly used sea time in writing to Acton at this period, he would certainly not have dated his letter mentioning the visit, 25 June. The illustration possesses particular value because it occurs in correspondence with the same person, Acton, to whom the letter dated the 27th was addressed. One would suppose that Mr. Badham, with a 'mastery of the Italian evidence,' with the want of which he reproves me,¹¹ might have unearthed this; but how shall we account for his failure to notice even that Hamilton's first letter to Ruffo, carried by Troubridge and Ball, was dated 24 June, although unquestionably the 25th by nautical time? In the facsimile given by Sacchinelli in his appendix the heading is "'Foudroyant," 24 June 1799, 5 P.M., in the Bay of Naples.' If Hamilton was then using sea time, this would be 23 June, civil time, when the 'Foudroyant' was not in sight from the Bay of Naples, and the contents of the letter also demonstrate that its 24 June was civil time. Proof of the use of civil time can also be elicited from Acton's two letters of 25 June.¹² It may be added that Nelson himself was no such purist as to adhere to log-book chronology in his other letters. Thus, writing to Lord Keith, on the same date as Hamilton's—27 June¹³—he says, 'I arrived in the Bay of Naples on the 24th,' whereas, as the ship did not anchor until 9 P.M., it was 25 June, sea time; and as late as 4 P.M. she was logged ten to twelve miles distant. Still more decisively the letter concludes, 'Carracciolo was executed . . . on 29 June,' whereas, being at 5 P.M., it was 30 June, and was so logged.

Mr. Badham's suggested solution may therefore be dismissed. It certainly did not occur to me. In common with the Marchese Maresca, whose work was before me, and who had noted¹⁴ the incompatibility, in Hamilton's letter, of 'yesterday morning' with 'this evening'—and with the facts—I saw that somewhere there was a slip of the pen in the specification of times; but my business then was to show how Mr. Badham dealt with texts when he wanted to make a point.

It may here be noted that Acton and Hamilton generally, if not always, corresponded in English, as is shown by numerous letters of the former, of which I have copies, and by the necessity, mentioned in Acton's letter of 28 June,¹⁵ of translating one of Hamilton's in order that the king might understand it.

¹¹ Preface, p. viii.

¹² Egerton MS. 2640, ff. 267, 269.

¹³ Nicolas, iii. 390-3.

¹⁴ *Il Cavaliere Micheroux* (Naples, 1895), p. 218, note 2.

¹⁵ Egerton MS. 2640, f. 280.

Leaving now the question of date and text in the uncertainty in which they must remain until Hamilton's original is found, I proceed to the use of the text made by Mr. Badham (1) in his paper in the *ENGLISH HISTORICAL REVIEW* of April 1898 and (2) in his pamphlet. Mr. Badham accepts the text, qualified only by his explanation of the date and times of writing, and upon it he argues.

Mr. Badham's original statement criticised by me was this:—

The two captains promised not only that Nelson 'would not oppose' the execution, but also that he would land 500 marines to assist.¹⁶

His reference is Dumas, iv. 87-9, where Hamilton's letter is to be found. It is evident that the alleged promise, in Nelson's name, to land 500 marines 'to assist' is here by him adduced as clinching the alleged promise not to oppose the execution. My statement was, and is, that 'the landing the 500 marines,' and the 'assisting,' were taken from different parts of the same letter, in order to constitute a single assertion, which assertion, thus falsely constituted, is further used to clinch the allegation of a promise which was not given. Upon this assertion I commented¹⁷—

The statement that the captains further promised that Nelson 'would land marines to assist in the execution' of the capitulation is again an error, based on a letter of Hamilton's, given in full by Dumas, but here (by Mr. Badham) mangled and garbled. The reader is referred to the original,¹⁸ which is dated 27 June. In it will be found two statements—one, that Nelson had promised to give all the assistance that the fleet could give for the service of the king; the other, some lines further on, separated by a period, that, the embarkation of the rebels having been arranged, 500 marines will be landed 'to garrison the castles.' The two, relating to different times and conditions, are brought together to constitute a promise of which there is no other proof.

To this Mr. Badham, in his pamphlet, rejoins—

Apropos of my statement that Nelson promised to land marines 'to assist' in the embarkation of the rebels¹⁹ . . . Captain Mahan's courageous precipitation is still more conspicuous. In furtherance of the idea that Hamilton's two statements relate 'to different times' he has given the *nautical date* of Hamilton's letter, though in land language the half referred to was written in the afternoon of the 26th! In furtherance of 'different conditions' he leaves the reader to imagine that it was with the fleet itself, and not by landing a detachment, that Nelson promised assistance! He proceeds with 'no other proof,' overlooking Sacchinelli's repeated statement that the detachment landed did, as a matter of fact, assist in the embarkation! And, to clinch Sacchinelli, there is the unquestionable evidence of the 'Culloden's' log.

¹⁶ *ENGLISH HISTORICAL REVIEW*, April 1898, p. 276.

¹⁷ *Ibid.* July 1899, pp. 495-6.

¹⁸ Dumas, iv. 87-9.

¹⁹ Mr. Badham here quotes my words, though not fully. I shall reproduce them immediately.

For the convenience of readers I here interpose a translation of the Italian text, italicised and bracketed as in the original, above.

After full reflexion Lord Nelson authorised me to write to his Eminence, *yesterday morning early*, to assure him that he would do nothing to break the *armistice*²⁰ which his Eminence had thought proper to conclude with the rebels shut up in the castles Nuovo and Uovo, and that his lordship was ready to give him all the assistance of which the fleet placed under his command was capable, and which his Eminence might think necessary for the good service of his Sicilian majesty. That produced the best possible effect. Naples had been upside down, for fear lest Lord Nelson might break the armistice; *now all is calm*. The cardinal has arranged with Captains Troubridge and Ball that the rebels of the castles Nuovo and Uovo shall be embarked *this evening*, while 500 marines shall be sent ashore to garrison the two castles, [over which, thank God, the banner of his Sicilian Majesty is now waving, while the banners of the short-lived republic are standing in the cabin of the 'Foudroyant,' where I hope the French flag, which is still flying over St. Elmo, will rejoin them. We were in Lord Nelson's boat when the marines were landed at the office of the Sanità. The joy of the people was excessive. The Neapolitan and English colours were displayed at the windows, and when we took possession of the castles there was throughout Naples an immense *feu de joie*, and *when night supervened*²¹ an immense illumination, as on the first night.]²²

The words bracketed are given, at least in all essentials, by Mr. Badham in his pamphlet (pp. 25-7); but he has divided the quotation at the place marked by the first bracket, to indicate the point—the 'suture,' as he calls it (p. 27, note 3)—where, according to him, Hamilton lay down the pen in the afternoon of 26 June (27 by nautical time), to resume his story on the 27th. I purpose to show that the division thus made is purely arbitrary, so far as any evidence adduced by Mr. Badham goes, and that its consequence is to constrain into the line of Mr. Badham's argument the statement in the text of the time when the Sicilian colours were hoisted, which, according to the simple natural tenor of the phraseology, was before the marines went ashore. As in his dealing with Nelson's letter of 26 June, before exposed by me,²³ he goes so far in support of his contention as to introduce a period, instead of a comma, after the words 'garrison the two castles.' Thereby he attains the end—with those who may thus be deceived—of transferring the time, according to the text he accepts, of the hoisting of the Sicilian flag—the token of surrender completed—from before the marines were landed to the following morning. This is to support his argument that the marines were sent—not 'to garrison the castles,' as the text says, but—'to assist' in the execution of the treaty, made by Ruffo and disallowed

²⁰ My italics.²¹ My italics.²² Dumas, *Borboni*, iv. 87-8.²³ ENGLISH HISTORICAL REVIEW, July 1899, pp. 491-3.

by Nelson, which neither Hamilton nor any other Englishman present—except perhaps Mr. Badham's grandfather, Captain Foote—has said.

The facts are now before the reader—the text of the letter of 27 June, as far as needed here, Mr. Badham's original statement in April 1898, my criticism upon it in July 1899, and his reply to the latter, now under consideration. Let us examine the whole.

Mr. Badham says, '*In furtherance of the idea*²⁴ that Hamilton's two statements relate to different times he (Captain Mahan) has given the nautical date (27 June) of Hamilton's letter.' Evidently I have done nothing of the kind. I mentioned the date, true; for the date to some extent specifies the letter, and shows that it was written near the time of the occurrence; but the fact—that the two statements relate to different times and conditions—is established not by the date, but by the text of the letter. The latter, as is often the case in letters, contains several incidents, not necessarily simultaneous or even connected. That these statements do relate, as I said, to different times and conditions, and are separated in the letter by a period, is evident, and is further supported by the tenses of the Italian version given by Dumas, and used by Mr. Badham.

In that version the words, italicised by me, *ora, tutto è calmo*, in the present indicative, with certain antecedent circumstances specified, separate the two statements, which Mr. Badham brought together in order to prove that at an interview—which, I maintain, did not involve certain promises alleged—the captains made a promise in two clauses, viz. 'not only that Nelson "would not oppose" the execution, but also that he would land 500 marines to assist.'²⁵ The Italian text reads that the marines were landed not only at a period and under conditions different from those of the promise of assistance by the fleet, but under no promise of assistance to the execution of the treaty, as implied by Mr. Badham, and by him supported by garbling and mangling the reference. He mangled it by leaving out the transition period, indicated by the present indicative, between the time of the promise to assist with the fleet—which time is distinguished in the letter by the use of the past definite—and the time of the completed arrangement that the rebels should embark and the marines be landed, which time is indicated, as to the rebel evacuation, by the use of the perfect indicative, governing a subjunctive, and by the future indicative as regards the landing of the marines. Thus: *Yesterday morning*, early, Nelson authorised me (Hamilton) to promise to observe the armistice and to give assistance by the fleet. *Now* all is calm. It has

²⁴ My italics.

²⁵ Badham, in *ENGLISH HISTORICAL REVIEW*, April 1898, p. 276. The reference given is to this letter of Hamilton's.

been arranged that the *rebels shall embark* this evening, and that the marines *shall* be sent ashore. And this construction is clinched by the words, also quoted above, that the flag of his Sicilian majesty is *now* waving above the castles, which would indicate that the capitulation had been consummated at the moment of writing, while the landing of the marines was still in the future.

I think this demonstrates the correctness of my criticism, challenged by Mr. Badham, that he mangled the text he was using; while the other part of my charge, garbling, is established by the fact that he thus brought together two statements, relating to different times and conditions, and so distinguished in the letter itself, in order to constitute a promise of which there is no other proof. For, trivial as this discussion may appear, Mr. Badham's aim is to entangle Nelson's reputation in a web of proof that he promised to observe the capitulation, as arranged by Ruffo, of which web the alleged promise, to assist in its execution by landing the marines, is an important fibre. I assert that no valid proof has anywhere been adduced that Nelson, whatever promise of needed assistance he may have given, ever promised—directly or by implication of act—to observe the capitulation granted by Ruffo. He yielded so far as to allow the rebels to embark; but, by his own express assertion, 'they came out with the knowledge' that he would not recognise the terms of the capitulation, 'unless approved by the king.' I have rebutted before²⁶ the attempted proof that he lied in making this statement, and I hope in this paper to rebut also the new evidence since adduced.

The above analysis, I hope, sufficiently disposes of Mr. Badham's statement (p. vii) that Captain Mahan 'leaves the reader to imagine that it was with the fleet itself, and not by landing a detachment, that Nelson promised assistance.' Mr. Badham's accusation against Nelson was that the promise of assistance with the marines was in order to assist at the execution of the capitulation; there lies the sting. I demonstrate that, according to the text Mr. Badham uses, the promise of assistance—'yesterday morning, early'—was anterior to the decision of the rebels to come out, and applied to different conditions, viz. when the city was in an uproar, confusion, panic, and disorder prevailing, to stay which the fleet would do anything within its power, as desired by the cardinal. A naval officer may possibly presume too much on lay apprehension of nautical methods; but the intelligence of the reader must indeed be mediocre who requires to be told that, under such conditions ashore, in Naples, assistance by the fleet may mean landing men. Such men, however, would go not to carry out execution of a capitulation, but for other purposes.

²⁶ ENGLISH HISTORICAL REVIEW, July 1899.

It is in thus contorting facts that Mr. Badham excels. When landed, the marines went not to assist in the execution of the capitulation, as inferred by Mr. Badham's ingenious manipulation of sentences, but, as Hamilton's letter and the 'Culloden's' log, which Mr. Badham quotes (p. 26), both show, to 'garrison the castles,' which the embarkation of the rebels would leave tenantless. If, when arriving for the purpose of garrisoning, any rebels were found not yet embarked, doubtless the marines assisted, as the 'Culloden's' log also says, in that or in any other necessary task; but that is purely incidental, not the main purpose. Moreover, the mere assisting in the embarkation, if this to any extent occurred, would establish nothing as to the terms under which the rebels came out, or as to Nelson's consent in, or correct knowledge of, those terms, which is the point at issue. Nobody denies that they came out. The question is, Did they do so with the knowledge that Nelson's ultimatum still held, as he explicitly affirms? Or had they sufficient ground to believe that Nelson had receded from his ultimatum and permitted the terms first granted by Ruffo? ²⁷ The latter was, and is, Mr. Badham's contention, resting upon evidence which I maintained was hopelessly discredited. This evidence he again brings forward, together with new data. I hope to show that new and old are inherently so improbable as not to weigh seriously in the balance against the certain affirmation of a man whose honour is in all other public matters unquestioned.

In dealing with his authority, the Italian text, Mr. Badham has not been able to refrain from his bad habit of dividing at will, in order to make facts conform to his theory, and at the same time failing duly to warn the unsuspecting reader. When (p. 26, second line from top) he substitutes a full stop for a comma after the words 'garrison the two castles,' closes the quotation there, and a page and a half after resumes it (p. 27) with the introductory clause, '*Hamilton resumes (27 June) his letter to Acton of the previous evening:*' ²⁸ "over which the flag of his Sicilian majesty is now floating . . ." he uses precisely the same proceeding, and as injurious in effect, as in the words misattributed to Hamilton,

²⁷ It is to a certain extent anticipating, but the remark has here application, that, if the rebels came out without looking at the alleged 'documents from Nelson,' as Micheroux says (*Compendio*, p. 16), it shows not only the desperateness of their situation, but that they came out, not upon Nelson's assurance, but upon Ruffo's—through Micheroux; the inadequacy of which, as from Nelson, they would at once have detected had they examined the papers, if the latter were, as the marchese Maresca believes, the alleged and utterly invalid declarations of Troubridge and Ball, confusedly adduced by Sacchinelli. If, therefore, Ruffo deceived them, as I believe, they had no case; for the written warning they had had from Nelson gave no warrant for an evacuation, unless it was recalled by a paper equally explicit, and from himself. If, without such warrant, they came out on an assurance of Ruffo's, whom they knew Nelson had overruled, they did so knowingly, at their own peril.

²⁸ My italics.

which he has admitted (p. vi), and in the mutilation of Nelson's letter of 26 June, which—as regards the effect—he has denied (p. vii). For the words, consecutive in the text, but arbitrarily parted by Mr. Badham, 'five hundred marines *will be* landed to garrison the two castles, over which the flag of his Sicilian Majesty is *now*²⁹ floating,' would establish the fact that the rebels had accepted the terms—whatever they were—before the marines were landed, and that the going of the latter, therefore, was not 'to assist' in the capitulation, but simply to meet a new condition of things consequent upon the capitulation. In a footnote (p. 27) Mr. Badham says, 'The change of tense marks the suture.' Admit this, for argument's sake, where would the change of tense place the 'suture'? The present and future run down to and include *andrà a raggiungerle*, the future of the last expression depending upon the *spero* just preceding. Then comes the period, and *then* the change of tense—*eravamo nella lancia*—imperfect—succeeded after a few phrases by the past definite *allorchè prendemmo possesso de' castelli*.

I admit, of course, that as a surmise, frankly advanced as such, and supported by reasons, an hypothesis like this of Mr. Badham may properly be offered; but when the natural sense is violated the conditions should be made clear. It would be within the experience of most of us to have stopped and resumed a letter in the middle of a sentence after the interruption of a day. But no one has a right thus to assume, and at the same time not only to refrain from warning readers of the extent of the assumption, but to mislead them by changing a comma into a period. Having done this, and doing it in support of an argument intended to be destructive of a man's reputation, it is almost offensive to find Mr. Badham saying, 'It would be gratifying if one could tack on the matter of the flag to the first half of the letter, for then there would be overt proof of an act of surrender *to Nelson's terms* before the landing of the 500 marines. But it is not till 27 June that the royal flag over the castles is noted in the *Diario*'³⁰ ('*Napoletano*'). 'Gratifying!' Why then does Mr. Badham, on such evidence as he gives, put in his period where a comma is, and abstain from placing his readers in possession of the fact that, by natural construction, the Italian text, which he is using, does say the royal flag is now flying, and the marines yet to go ashore? What dignity of proof, even negative, is to be attributed to the failure of a journal to note the hoisting of a flag?

It is not true that the royal flags were not hoisted till the 27th, as Mr. Badham loosely infers. It is true that the marines landed before the hoisting, and the text is there in error; but it is also nearly certain that the flags were run up before the marines took

²⁹ My italics.

³⁰ *Nelson at Naples*, p. 27, note 3. My italics.

possession of the castles, a circumstance which would contradict the insinuation that they were assisting in the execution of the treaty as concluded by Ruffo. The flags were in fact hoisted on 26 June before dark; in one castle certainly, and probably in both, by Neapolitan authority, holding under Ruffo. If Mr. Badham had paid careful heed to the Italian evidence, he would have seen in the 'Verbale' of Minichini,³¹ to which he attributes great importance, that at Uovo after the formalities were concluded 'the *brigadier* (Minichini) caused to be hoisted the flag of H.M. the king of the Two Sicilies,' and that 'all these operations,' which began at 6 P.M. 26 June, 'were finished at a quarter past eight o'clock.' Also, if Mr. Badham had carefully consulted the log of his grandfather's frigate, the 'Seahorse,' he would have read, 'Thursday, 27th, P.M.'—which by civil time is 26 June—'A large body of marines went on shore to take possession of Castle Ovo and Castle Novo. *Shortly after*³² they landed saw the king of Naples's colours hoisted at the above two places.' It is thus certain that the flags were hoisted on 26 June, and probably in both cases—certainly at Uovo—by Neapolitan, not by British, authority. That is, royal Neapolitan possession preceded British occupation. As a matter of fact the hoisting of the flag at any stage, whether first or last, would prove indeed an act of surrender, but it would not be, as Mr. Badham claims, 'overt proof of an act of surrender to *Nelson's terms*,'³³ whether it occurred before or after the landing of the marines. The proof of the terms lies elsewhere; and the statement that hoisting the flag then would have been overt proof of their character, as coincident with Nelson's declaration, carries the implication—indeed, to all intents the assertion—that hoisting at the time assumed erroneously by Mr. Badham signified that the garrisons came out under Ruffo's terms, and with Nelson's adhesion to them, which penetrating conclusion I am quite willing to leave to Mr. Badham's credit.

Whatever the difficulties on the face of this letter, as it stands in the Italian version, there is nothing to suggest the terms on which the garrisons come out. There is consequently no shadow of disproof of Nelson's repeated assertion that they came out—capitulated—on the terms of his declaration; and this, as regards Nelson's character, is the one important point. That the armistice and the capitulation were distinct things I have before shown; the promise to observe the armistice, therefore, involves no implication of acceding to the capitulation upon the terms granted by Ruffo, and formally rejected by Nelson, which is the stigma sought to be fastened on Nelson's reputation. Now the whole drift of Mr. Badham's argument, alike in his article in the ENGLISH

³¹ Sacchinelli, *Vita del Cardinale Ruffo* (Rome, 1895), pp. 237-8.

³² *My italics.*

³³ *My italics.*

HISTORICAL REVIEW and in his present pamphlet, is to fasten just his stigma upon Nelson's memory: that the garrisons surrendered upon the assurances of the latter that he would observe the original terms signed by Ruffo and by Captain Foote. Nothing less than this, and it is as contributing to prove this that each assertion and inference is to be tested and sifted, as I have done. Hence the importance assigned by Mr. Badham to the presence of the marines; they were 'assisting in executing' Ruffo's capitulation, then accepted, and afterwards violated, by Nelson. Mr. Badham formerly contended that Nelson's declaration was never sent in.³⁴ This contention he has been forced to abandon. It remains to examine the charge as he now maintains it, that, having been sent in, the declaration was nullified by subsequent assurances.

I proceed now to show that Mr. Badham has failed to free himself from my charge that he supported a libel against Nelson's reputation for honour by garbling a letter of Nelson's. To this demonstration, due to Nelson's maligned character, and to an examination of the new evidence, I devote the rest of this paper.

The question before us, as regarding Nelson's reputation, is simply this: In a letter to Lord Keith, dated 27 June 1799, which, though possibly not concluded and signed before 3 July,³⁵ was in any event within a week of the occurrence, Nelson made this statement:—

I gave the cardinal my opinion in writing—viz. 'Rear-Admiral Lord Nelson, who arrived in the Bay of Naples on 24 June with the British fleet, found a treaty entered into with the rebels, which he is of opinion ought³⁶ not to be carried into execution without the approbation of his Sicilian majesty.' . . . Under this opinion the rebels came out of the castles, which was (*sic*) instantly occupied by the marines of the squadron.³⁷

A fortnight later, 13 July, he repeated this statement to Lord Spencer, then first lord of the admiralty.³⁸ In so short a space of time he cannot have been mistaken as to what he had believed at the moment of the surrender of the castles. Did he then deliberately state as true what his conscience told him was untrue; or was he mistaken; or was the fact, as he states, that the rebels did come out under this 'opinion'?

³⁴ ENGLISH HISTORICAL REVIEW, April 1898, p. 273 and note.

³⁵ I base this time on the expression near the end, 'The "Alexander" and another are just going to Malta' (Nicolas, iii. 393). From the 'Foudroyant's' log the 'Alexander' sailed 3 July.

³⁶ The copy in the order book reads here 'cannot be carried into execution' (Nicolas, iii. 388).

³⁷ Nicolas, iii. 393. The reader will note that this is the 'opinion' given to the cardinal. The 'Declaration' addressed to the rebels follows later.

³⁸ Nicolas, iii. 406.

The question, therefore, is not whether Nelson had lawful authority to act as he did.³⁹ Nor is it whether he acted wrongly in disallowing a capitulation already signed, though not yet executed. It simply is, Did he procure the surrender by treacherous assurances, so that the rebels were induced to come out under a false statement of his purposes ; and, having done this thing, did he then lie about it ?

To make good such a charge against any man of fair reputation for integrity, it is necessary to establish, first, that no clear warning was given to the enemy prior to surrender ; or, if such warning were given, that it was subsequently with like clearness withdrawn, so that the enemy came out under a distinct understanding, which was afterwards violated.

It is now, I think, conceded that warning was given ; that the following declaration was sent in in Nelson's name :—

H.B.M. Ship 'Foudroyant,' Naples Bay : 25 June 1799.

Rear-Admiral Lord Nelson, K.B., commander of his Britannic majesty's fleet in the Bay of Naples, acquaints the rebellious subjects of his Sicilian majesty in the Castles of Uovo and Nuovo that he will not permit them to embark or quit those places. They must surrender themselves to his majesty's royal mercy.

NELSON.

To Ruffo, who had at first refused to act as an intermediary in transmitting this message to the garrisons, Nelson gave also the opinion above quoted : ' The treaty cannot be carried into execution without the approbation of the king.' It was after this opinion was given, in the post-meridian of 25 June, that Ruffo went ashore and that night sent in the declaration—to which, however, he declined to be a party.

Those two papers make Nelson's position perfectly clear, and he received an assurance from the cardinal that ' the letter ' had gone in. Mr. Badham now admits this.⁴⁰ With customary inaccuracy he says that ' Captain Mahan is wrong in taking this *lettera ai castelli* to be some letter of Ruffo's sent by himself, and *equivalent* to Nelson's declaration. It is the *declaration* itself, sent by Nelson entirely in his own name.'⁴¹ My words were, ' Whether Ruffo spoke truth or not, whether by the letter he meant Nelson's or his own inadequate rendering of it,⁴¹ the assurance is there, and justifies fully Nelson's assertion that the rebels received " this opinion " and had " this knowledge. " ' ⁴²

³⁹ This question of authority I have discussed at length (revised *Life of Nelson*, pp. 383-9). I see no reason to enlarge or change what I have there said. Concerning this part of my argument the marchese Maresca, writing in August 1899, said that in his opinion it hangs perfectly together (' *fila perfettamente* ').

⁴⁰ *Nelson at Naples*, p. 19, note 5.

⁴¹ This referred to a letter sent in by Ruffo, quoted by Sacchinelli (p. 233), conveying Nelson's attitude, but, as I said, inadequately.

⁴² ENGLISH HISTORICAL REVIEW, July 1899, p. 491. See also my revised *Life of Nelson*, pp. 376-7.

Mr. Badham then, and I myself, agree that distinct warning of Nelson's attitude was given some time between Ruffo's leaving the flagship, during the post-meridian of 25 June (by sea time, 26 June) and midnight of that civil day. Did Nelson then recede from that position? As an argument to demonstrate that he did, Mr. Badham quoted a letter of Nelson's, which he and I agree was written at some time about 26 June. He quoted only half the letter, cutting it short with a period where Nelson had placed a comma. I maintained, and maintain, that by so doing he concealed the essential purport of the letter. From this charge he now seeks to clear himself, and, incidentally, to impeach my accuracy, and to confirm his previous impugnation of Nelson's uprightness.

I will endeavour here to summarise Mr. Badham's argument, guarding against any unintentional error on my part by referring the reader not only to his present pamphlet, but also to his article in the *ENGLISH HISTORICAL REVIEW*, April 1898. There the argument that Nelson receded from his position, and enticed the rebels out of the castles by a promise to execute the capitulation which Ruffo and Foote had signed, will be found (mainly) between p. 274 and p. 276. Mr. Badham has now abandoned the contention he then maintained that the declaration was never sent in (p. 273, and note 50); but he seeks to strengthen his case as to its subsequent revocation by fuller presentation and by new matter, which I purpose to discuss and to refute.

Mr. Badham claims that during the night following Ruffo's visit to the flagship 'Nelson executed a complete *volte-face*,'⁴³ the result of which was that he authorised Hamilton to write the next morning (26 June) to the cardinal the following letter:—

Lord Nelson begs me to assure your eminence that he is resolved to do nothing which can break the armistice which your eminence has accorded to the castles of Naples.

This letter Hamilton certainly wrote early that morning. Mr. Badham contended, in April 1898, that by armistice Nelson meant capitulation as well, a contention to which I understand he still adheres. I have argued at length, and will not here repeat, that the two were different and were distinguished by Nelson throughout;⁴⁴ and that therefore, although there was concession as to the armistice, there was none as regards the terms of capitulation in this letter of Hamilton's.

Mr. Badham maintains, however, on the authority of Sacchinelli, that this letter was sent by the hands of Captains Troubridge and

⁴³ *ENGLISH HISTORICAL REVIEW*, April 1898, *Nelson at Naples*, p. 42, note.

⁴⁴ *ENGLISH HISTORICAL REVIEW*, July 1899, pp. 485-6, 489; revised *Life of Nelson*, pp. 370-1.

Ball—which I think most improbable⁴⁴—and that they having been accredited on the 24th by a letter from Hamilton, but in Nelson's name, as 'fully informed of Lord Nelson's sentiments, and will have the honour to explain them to your eminence,' were still so accredited on the 26th. According to Sacchinelli—and Mr. Badham—the captains thus coming, and bearing Hamilton's of the 26th, made then the following declaration in writing:—

Rear-Admiral Nelson does not oppose the execution of the capitulation of the castles Nuovo and Uovo.

This declaration (Sacchinelli continues) Troubridge wrote with his own hand, but would not sign, saying that they had been accredited by the letter of 24 June to treat verbally concerning military operations and not at all in writing concerning affairs pertaining to diplomacy.⁴⁵

In proof of Troubridge's having written the above Sacchinelli gives what he calls a facsimile,⁴⁷ which reads thus:—

Captains Troubridge and Ball have authority on behalf of Lord Nelson to declare to his eminence that my lord will not oppose the embarkation of the rebels and of the people composing the garrison of the castles Nuovo and Uovo.

Concerning this facsimile it is to be remarked at once that not only is it not signed by any one, but that it is not in Troubridge's hand, and that the words do not tally with those given in the *text* of Sacchinelli (p. 236). 'Not to oppose the embarkation' is not the same thing as 'not to oppose the execution of the capitulation.'⁴⁶ To consider the expressions as equivalent is to assume the very point at issue, viz. whether, when the rebels came out, which all admit that they did, they did so under the terms of Ruffo's capitulation, which gave a safe-conduct to Toulon, or of Nelson's

⁴⁴ My reason for doubting this is that Hamilton's letter of the 26th, being a clear-cut announcement, involving no necessity for explanation or negotiation, gave no occasion for sending officers of such rank. A lieutenant would have been quite sufficient for the function of a postman. Also, when Nelson employed Troubridge and Ball on the 24th and 26th, he stated their mission and their names explicitly in letters carried by them. Nothing of the sort appears in Hamilton's letter of the latter date.

⁴⁵ Sacchinelli, p. 246.

⁴⁷ *Ibid.* app. C.

⁴⁶ On this discrepancy Mr. Badham now offers a remark (p. 24, note) that makes one rub one's eyes and look again to verify. 'There is an alternative explanation that the text' (i.e. 'will not oppose the execution') '... is quite correct, "Rear-Admiral Nelson, etc.," having really been written by Troubridge; and it may be remarked in passing that the signature of the captains would scarcely be necessary for the declaration containing their names.' That the writing of B's name by A, in an unsigned paper, said to express B's declaration, would be equivalent to B's signature is an argument of which Mr. Badham may be proud. That Troubridge, writing such a paper, would put it 'Rear-Admiral Nelson,' and not 'Rear-Admiral Lord Nelson,' disposes of the other conjecture. Mr. Badham's object, in this ingenious surmise, is to reconcile Sacchinelli with Micheroux's *Compendio*. The latter says documents, in the plural; Sacchinelli uses the singular. The version in the latter's text, and that in the appendix, thus make two, although the author himself always speaks of one.

mandate, 'surrender themselves to the royal mercy,' awaiting 'the approval of the king.' Nelson explicitly affirms the latter, in words already quoted.

Mr. Badham has given Sacchinelli correctly, so far as the above is concerned. I have objected heretofore to the whole account, on the ground that Sacchinelli is not trustworthy, because (1) he assumes the identity of meaning in the above two alleged assurances of Troubridge; because (2) he states falsely that Troubridge wrote with his own hand; because (3) he ignores the letter of the 26th, signed by Nelson himself, never mentioning it, and attributing to Troubridge the statement that by Hamilton's letter of 24 June he was accredited for military (not diplomatic) operations, whereas that letter attributed to him not a military, but a diplomatic function, viz. to convey to the cardinal Nelson's disapproval of the capitulation and his intention not to remain neutral. Nelson himself explains their mission of 24 June thus to Keith: 'I sent Captains Troubridge and Ball instantly to the cardinal, to represent my opinion of the infamous terms entered into with the rebels, and also two papers which I enclose.' These papers I understand to be the summons to the French in St. Elmo, and the declaration to the rebels, both part of the diplomacy of war; whereas by Nelson's letter of the 26th, which Troubridge and Ball also carried, they were, by words which Mr. Badham in the *ENGLISH HISTORICAL REVIEW* omitted, limited strictly to a military conference concerning St. Elmo.

To these exceptions taken to Sacchinelli's trustworthiness is to be added that he makes other serious mistakes, and that he wrote after Ruffo's death—therefore at least twenty-eight years subsequent to the events. Nothing can be safely accepted on his sole authority if contrary to other contemporary evidence or to a reasonable probability. Thus Mr. Badham admits that after the delivery of the above letter of the 26th from Hamilton

there seems to be another gap, which, strangely enough, Sacchinelli does nothing to fill up, due perhaps to the fragmentariness of the notes left by Ruffo. If his representation of Ruffo's sentiments be correct,⁴⁹ the cardinal's natural course would at this point have been to write directly to Nelson, explaining that he was dissatisfied with the assurances of the two captains. *There seem to be grounds for supposing that he did actually take this course, for we presently find Nelson replying.*⁵⁰

Here we have Mr. Badham evolving out of his own inner consciousness a purely hypothetical letter, to which he has associated Nelson's of the 26th as a reply. He did the same in the *ENGLISH HISTORICAL REVIEW*, but in so doing emasculated Nelson's. It is thus he fills a gap which, indeed, is not merely seeming but certain,

* Suspicion of treachery.

⁵⁰ *Nelson at Naples*, p. 24. My italics.

and is due to Sacchinelli's defective material or imperfect memory, or both, but which does not need to be filled by a phantom of the imagination. The gap appears in Sacchinelli's assertion that, after the captains had given assurance in Nelson's name, the cardinal, though suspicious, proceeded, without further concern (*non s' ingerì in altro*),⁵¹ in conjunction with them to execute the capitulation, whereas it is demonstrable that if they carried Hamilton's letter of the 26th—which, I repeat, I greatly doubt—they were certainly back on board the flagship, and there received the letter to which Mr. Badham alludes from Nelson himself—not from Hamilton—before the capitulation was arranged; and consequently when they went ashore with this last letter their function was governed by it, the writing of which was due—not to Mr. Badham's surmised letter but—to the following circumstance.

Some time before noon on 26 June Nelson received from Ruffo a communication, of which Sacchinelli shows no more knowledge than he does of Nelson's reply. The connexion between the two, I said before, lies on the surface, and for that reason I bring them into direct sequence here.

Ruffo to Nelson.

Your Excellency,—The letter to the castles will have been sent off by this time, and if there is hope that they will surrender at discretion it may meet with success, as they see the increase of the force, and in case they should wish to attack it will be well that we find ourselves in force to destroy them. I therefore beg your excellency to disembark 1,200 men, whom it would be well to place in position to proceed afterwards against St. Elmo, and therefore I offer for their quarters my house, which is vacant and very large. . . . I hope that your excellency will favour me, since there have already *this evening* been hostilities from St. Elmo and there is no time to lose. . . .

P. della Madalena : 25 June 1799.⁵²

F. CARD. RUFFO, V.G.

H.E. Bear-Admiral Nelson.

Nelson's answer is undated, but its reference to Hamilton's—'this morning'—shows it to have been 26 June. Its connexion with the preceding is obvious, but Mr. Badham in the *ENGLISH HISTORICAL REVIEW*, by omitting the latter part (bracketed), concealed the occasion of Nelson's writing and the limitation of the captains' mission.

'Foudroyant,' Naples Bay.

Sir,—I am just honoured with your eminency's letter; and as his excellency Sir William Hamilton has wrote you this morning that I will not on any consideration break the armistice entered into by you, I hope your eminency will be satisfied that I am supporting your ideas. I send

⁵¹ Sacchinelli, p. 237. This disposes of Mr. Badham's supposed letter, as far as Sacchinelli's testimony can dispose of anything.

⁵² Brit. Mus. Add. MS. 34944, fol. 238. My italics.

once more Captains Troubridge and Ball, [to arrange with your eminency everything relative to an attack on St. Elmo ; whenever your army and cannon are ready to proceed against it I will land 1,200 men to go with them under the present armistice. I have only to rejoice that his Britannic majesty's fleet is here to secure the city of Naples from all attacks by sea.

I am, &c.,
NELSON.]⁵³

This letter, clearly being written on the 26th, is subsequent to Ruffo's, dated the 25th. It is equally evident that Nelson, when he wrote this, had no information that the '*present armistice*' had been terminated by a capitulation, although the mention of Troubridge and Ball shows that they were with him, or at hand, at the moment of writing. Had they carried Hamilton's letter of the early morning on shore, and at that time concluded the capitulation—as Sacchinelli states that they did—they certainly would have told Nelson, and he would have known that the armistice was at an end by the surrender. His intention to proceed against St. Elmo, '*under the present armistice,*' indicates that that castle was not included in it ; therefore its '*present*' existence meant that the lower castles were then in the condition of armistice⁵⁴—not of capitulation. And this is confirmed by his opening words, '*I will not on any consideration break the armistice.*' It will be observed also that the first part of Nelson's letter is obviously addressed to Ruffo's fear of a sortie by the garrisons, which Nelson considers is removed by his promise to observe the armistice, a promise which was subsequent to the time of Ruffo's writing. Ruffo's letter crossed Hamilton's.

It is clear, therefore, that Sacchinelli was entirely mistaken in connecting the conclusion of the capitulation with a bringing of Hamilton's letter of the 26th by Troubridge and Ball, and that at the later hour when these received from Nelson his own letter of the 26th no capitulation had taken effect of which they had any knowledge. Consequently, if they had any part in the capitulation which did take place—at some time subsequent to Ruffo's receiving Hamilton's letter—they and Ruffo then had before them Nelson's own letter, which defined their mission, and by defining limited it to the specified object of arranging for an attack upon St. Elmo. Therefore, whether they made one visit or two that morning, and

⁵³ Nicolas, iii. 394.

⁵⁴ When Nelson sighted the shipping in Naples, 24 June, flags of truce were flying from castles and ships. He at once (3 p.m.) annulled the truce by signal, which however took effect only with the ships. It appears from the journal of the '*Seahorse*' that the white flags were still flying from Uovo and Nuovo at noon of the 25th. The night following Nelson decided '*to do nothing which can break the armistice . . . accorded to the castles of Naples.*' Micheroux seems perfectly clear that St. Elmo was not included in the armistice, negotiations looking thereto not being completed when Nelson's arrival interrupted them (*Compendio*, p. 15).

whether they gave any verbal statement of what they believed to be Nelson's views, their credentials at the moment of capitulation depended upon the letter of the 26th which Ruffo received from them; and Mr. Badham in omitting that qualifying clause perverted Nelson's letter, as I charged.

Nor is Mr. Badham now consistent with himself in dealing with this charge, as can be seen by comparing his preface (pp. vi, vii) with the passage of his article in the *ENGLISH HISTORICAL REVIEW* which I criticised. In the latter he wrote that 'Ruffo evidently replied to Hamilton's letter, taking exception to his assurance as inadequate, for Nelson presently wrote himself' that of the 26th. This Mr. Badham then quoted in the mutilated form, and immediately continued, 'These two captains, who had previously been accredited by Hamilton as "thoroughly informed of the sentiments of Lord Nelson," came to Ruffo and completed the impression which the letters *above quoted* would naturally convey. They verbally assured him that "Nelson would not interfere with the execution of the capitulation."'²² Now he says in his preface (pp. vi-vii) that 'the letter of the 26th has nothing whatever to do with their powers on the occasion of the *pledge*,²³ being written several hours subsequently.' Why then did he quote the letter—mutilated—*before*, and in immediate connexion with, the *assurance* of the captains, if it was written several hours after, and had nothing to do with their powers when they gave the assurance?

Notwithstanding the obvious connexion of Ruffo's and Nelson's letters, just given, Mr. Badham still argues that the latter was replying to the hypothetical letter he himself has surmised. He supports this contention by emphasising the word 'just'—'I am *just* honoured with your eminence's letter'—and asks in astonishment how it could be that Ruffo's letter of the 25th 'had only just arrived. Twenty hours' delay in a matter of such urgent importance is not very likely.'²⁴ Where does he get these twenty hours? Where do they begin and where end? Micheroux tells us that he, who was on shore, but not at Ruffo's headquarters, received from the latter, at ten o'clock of the 26th, a written message that Nelson had consented to allow the capitulation of Uovo and Nuovo. Upon capitulation the armistice with the lower castles would be superseded; and that it was still existing when Nelson wrote has been shown. Obviously, therefore, Nelson's letter was written before Micheroux's time of reception, 10 A.M.; and working back from that, his alleged concession could scarcely have left the flagship later than 9 A.M. Twenty hours before 9 A.M. would be 1 P.M., 25 June; yet Ruffo's letter (the letter to the castles) was written at an hour when he could say an attack had been made 'this evening' from St. Elmo—

²² *ENGLISH HISTORICAL REVIEW*, April 1838, p. 375. My italics.

²³ My italics.

²⁴ P. 25, note 1.

clearly, therefore, after nightfall, very probably towards midnight. The exact hour either of Ruffo's letter or of Nelson's reply is a matter only of inference; nor am I concerned to doubt that Nelson *may* have received the *ai castelli* letter earlier, and just before he wrote a second, viz. Ruffo's of the 26th, concerning the reported reverse of the royalists before Capua, given by Mr. Badham (p. 21), to which he attaches an importance that to my mind has no existence, and which, speaking as a military man, I am certain would make no other impression upon Nelson than that which Micheroux conveys throughout—that Ruffo was in a very 'nervous condition,' as the phrase goes, and needed bracing up. That it would weigh with Nelson one jot to concede either armistice or capitulation I do not for a moment believe. He knew too well the value of the Neapolitan forces, regular or irregular, to trouble about their doings at Capua.

This point of Mr. Badham's is perfectly immaterial. I mention it only lest I should seem to avoid it. The importance of *Ruffo's* letter is that it establishes, what had been questioned, that Nelson spoke truth when he said that the rebels received his declaration or opinion. The essential fact in *Nelson's* is that it shows that no capitulation had taken place at a stage demonstrably subsequent to that at which Sacchinelli says that Troubridge and Ball were present, as parties pledging and consenting, in Nelson's name, to the original capitulation signed by Ruffo and Foote. Whatever action Ruffo took as regards a capitulation on 26 June he took with Nelson's written papers before him, viz. the declaration and opinion given above. From these the captains—if they were with him at all when he arranged the capitulation of the 26th—could take nothing; for their present powers were defined and limited, by Nelson's of that date, to arranging for an attack upon St. Elmo. As regards Hamilton's letter of 24 June, which stated that the captains were then 'fully informed as to Nelson's sentiments'—which Sacchinelli names, and which Mr. Badham claims still accredited them—Ruffo knew also that he had, subsequently to it, on 25 June, and in person, received from Nelson the 'opinion' that the capitulation could not be carried into effect without the king's approval. To cite the letter of the 24th, given for a specific end, as qualifying the captains, on the 26th, to give assurances contrary to Nelson's written opinion of the 25th, is clearly untenable.

It seems proper to note, at this point and in this connexion, that it is now by no means certain that Troubridge and Ball had anything to do with the final compact for surrender, either on their own account or on Nelson's, although, after the compact was made, Ruffo doubtless arranged with them, as Hamilton wrote, for the embarkation of the rebels and for the landing of the marines, who to the number of 500—not the 1,200 promised

against St. Elmo—afterwards garrisoned the castles. Sacchinelli says Micheroux accompanied the captains to the castles to arrange the execution. Micheroux, whose newly found journal constitutes the new proof upon which Maresca and Badham rely, and who wrote soon after the event, so far from supporting Sacchinelli's account, does not as much as mention the captains in connexion with the capitulation, nor at all on 26 June, although he does mention them both, coupled by name, several times, both before and after. According to Micheroux, Ruffo wrote to him that Nelson had consented to carry the capitulation into effect, and sent the 'enclosed documents from Nelson for the surety of the garrisons, but these having trusted to a verbal assurance, there was no need for me to use them.'⁵⁸ He mentions no one but himself as an intermediary agent in the transaction.

Nor is this inference from the 'Compendio,' hitherto inaccessible, the only reasonable indication that the surrender of the castles was procured by Ruffo alone, acting through Micheroux, and by Micheroux through Minichini, and alleging a consent of Nelson's to Ruffo's terms; of which consent no valid proof is forthcoming, the 'Compendio' to the contrary notwithstanding. The 'Verbale' of Minichini,⁵⁹ on which Mr. Badham lays much stress, and which was by Maresca questioned⁶⁰ until the resurrection of the 'Compendio,'⁶¹ makes—equally with the 'Compendio'—no mention of Troubridge and Ball. By the 'Verbale' the whole proceeding is at Uovo conducted by Minichini, who, deputed by Micheroux, stipulates terms in accordance with those of Ruffo, and at the conclusion hoists the royal flag. Though not expressly so stated it is evident that what he did at Uovo Micheroux was doing at Nuovo; and yet, though the 'Verbale' is curiously circumstantial, no mention whatever is made of the British marines. From this double omission there is but one conclusion, viz. that the marines and British officers, though certainly at hand, were not officially concerned until after the surrender was completed, in form and in fact. It was purely the transaction of Ruffo acting through subordinates. That the British subsequently took charge is proved both by general mention⁶² and, specifically, by the fact that two days later Minichini needed a special order from Nelson to permit him to inspect Uovo,⁶³ of which, two days before, he had taken formal possession.

Without pressing too severely the maxim, 'False in one, false in all,' it is plain that Sacchinelli's account of this business, being so markedly both erroneous and defective, shares in the general ruin of evidence that has involved also Mr. Badham's mutilation of Nelson's letter of 26 June, and his false quotation from Dumas,

⁵⁸ *Compendio*, p. 16. My italics.

⁵⁹ *Il Cavaliere Micheroux*, p. 217.

⁶⁰ *E.g.* Nicolas, iii. 389, 393.

⁶¹ Sacchinelli, pp. 257-8.

⁶² *Compendio*, p. 3.

⁶³ *Ibid.* p. 394.

brought up to reinforce Sacchinelli. It can be positively affirmed that this and other mistakes make the latter an insufficient witness. The most that can be said for him is that his account may have some germs of truth, which upon adequate corroboration may appear. That such corroboration has been found is believed not only by Mr. Badham, but by the very respectable Italian authority, the marchese Maresca.

The latter, writing in August 1899, was good enough to say that he found my reasoning in the *ENGLISH HISTORICAL REVIEW* of July unanswerable, so far as the evidence then accessible went; but he added that he knew of a document which, if he were at liberty to publish it, would throw important new light and modify conclusions. Since then he has obtained the necessary consent, and the document has been published.⁶⁴

This recent discovery is in the form of a journal, probably intended as a report to a superior, kept by Antonio Micheroux, already so often mentioned, a Neapolitan diplomatist, who had obtained a reinforcement of Russian troops from Corfu, with which he had joined Ruffo, and was present throughout the proceedings at Naples. The portion of this document which bears upon the question of Nelson's good faith, in the final capitulation, is as follows, beginning with Nelson's handing Ruffo the 'Opinion' in the post-meridian of 25 June:—

Lord Nelson delivered to the cardinal a written declaration that the capitulation ought not to take effect so long as it was not approved by his Sicilian majesty.

26 June. At daybreak a copy of the said declaration was sent to each of the castles, together with a note signed by his Eminence and the Russian commandant announcing that the troops would resume their former positions. But no sooner had the Russians fallen back from the surroundings of the castle and the palace to Spirito Santo than there spread throughout the city an incredible consternation, so that in a few hours thousands and thousands of persons left Naples.

In this situation of things what may have been the motive through which Lord Nelson suddenly changed his mind has never come to my knowledge. I will say positively that towards ten o'clock his Eminence wrote me that, Lord Nelson having consented to put the capitulation into effect, I was to replace the Russian troops in the abandoned posts. In proof of that his Eminence sent me pressingly the documents from Lord Nelson herewith enclosed⁶⁵ as security to the garrisons; but the latter having relied upon a simple assurance it was not necessary for me to use them.⁶⁶

The marchese Maresca, prior to the discovery of this document, held thus:—

⁶⁴ See above, p. 699, note 2.

⁶⁵ These documents are wanting in the *Compendio* as found.

⁶⁶ *Compendio*, p. 16.

It is therefore allowable to suppose that Micheroux with the two Englishmen arranged with the commandants of the forts that the capitulation should be executed upon lines subordinated to the declarations of Nelson. Of an unconditional execution of the capitulation, after the declarations of the English (admiral), and after the enforced adhesion of Ruffo, there was no longer room to talk. Only of an unconditional surrender could there at that moment be any discussion; and, if conditions were then offered, they could only have been most briefly these: that the patriots should give up the castles, purely and simply, that those who had declared their wish to go to Toulon should embark and remain in the roads, that the others should stay in the forts until the determination of the king, in the case of either, should be known.⁶⁷

Upon the ground of the quotation from Micheroux's 'Compendio,' given above, Maresca now announces his change of opinion in these words:—

The imposing name of Nelson, and the very enormity of the thing, made it seem to me impossible that the great admiral would resort to fraud to induce the abhorred republicans to leave the forts and to get them into his power. I must acknowledge my mistake. The 'Compendio' removes all doubt . . . and, if I am not mistaken, speaks the final and definite word in this cause.⁶⁸ . . .

The two documents indicated in the narrative cannot be other than those which Sacchinelli publishes, one in the text, one in the *facsimile*, documents which, being not kept by the patriots, remained among Ruffo's papers.⁶⁹

It is with diffidence, not unmingled with a sense of rashness, that one ventures to differ from the marchese Maresca, whose name in connexion with Neapolitan annals has something of the prestige which he here attributes to Nelson. Still his conclusion herein is so hasty, and so overlooks difficulties in its way, that it must be subjected to test. It rests upon the assumption that the 'enclosed documents from Lord Nelson,' mentioned by Micheroux, 'cannot be other than' the same as those two versions which Sacchinelli gives of one 'declaration,' which he alleges was written by Troubridge himself. Sacchinelli speaks of but one document, always in the singular—'this declaration'—although he gives of its contents two versions, which differ decisively one from the other.⁷⁰

What is this document in itself? A paper which Sacchinelli alleges that Troubridge himself wrote, with his own hand, though he refused to sign it, but which upon the examination of the *facsimile* is not in Troubridge's handwriting; nor does any one know in whose handwriting it is. Mr. Badham thinks he can identify it with that of a clerk or interpreter; ⁷¹ but neither he nor any one else now knows who wrote it.

⁶⁷ Maresca, *Il Cavaliere Micheroux*, pp. 214–5.

⁶⁸ *Compendio*, p. 3.

⁶⁹ *Ibid.* p. 7.

⁷⁰ Sacchinelli, pp. 236–7, and app. C.

⁷¹ *ENGLISH HISTORICAL REVIEW*, p. 275, note 59.

What then does this new proof amount to ?

1. Taking the marchese Maresca's supposition, that Micheroux's 'documents' are Sacchinelli's 'declaration' of Troubridge, we are to believe that an unsigned paper, in the handwriting of a subordinate to us unknown, received from Ruffo by an intermediate messenger, purporting to contain a declaration of Troubridge as to a promise by Nelson, was by Micheroux accepted as a definitive statement from Nelson, so that he assured the rebels that they could come out in reliance upon Nelson's faith.

2. There is an alternative supposition open that by the 'inclosed documents' Micheroux meant—what he calls them—'documents from Lord Nelson' himself, in some way authenticated to his satisfaction. To this is to be replied that nowhere else is the existence of such documents, reversing Nelson's previously announced position, even remotely hinted at, and that if such ever were sent to, or through, Ruffo, Nelson would not have dared to say, as he did to his commander-in-chief and to the first lord of the admiralty, that the rebels came out under the opinion given to Ruffo, and with the knowledge conveyed by his declaration to themselves.

3. We are further asked to believe that the rebels had such faith in Micheroux's simple statement, after all the agony of fear through which they had passed, and the dangers that await treason, that they were willing to go out without retaining, nay, even without seeing, papers sent expressly for their surety, and the preservation of which in their own hands would have shielded them with the power of the whole British empire, had Nelson been a Borgia instead of the upright man he at all other times was.

And these incredibilities we are asked to accept as outweighing Nelson's clear statement, four times made in writing,⁷² that the rebels came out with the knowledge that the capitulation could not be carried into execution without the approval of the king.

I have before given reasons for believing that Sacchinelli cannot be depended upon. Micheroux also cannot be considered a competent witness, when he stands alone. Even if the two agreed together—which in the present instance they are far from doing—neither the one nor the other possesses those characteristics of truthfulness which would give their joint testimony weight against the word of a man who has had the long and honourable public career, open to the scrutiny of all men, that Nelson ran. Not only was Micheroux suspected by the court, as was Ruffo; in the atmosphere of treachery and suspicion that hung about the Neapolitan court that alone would be insufficient to condemn a man. His narrative elsewhere is in direct issue with Troubridge in

⁷² To Keith, *Nicolas*, iii. 393; to Lord Spencer, *ibid.* p. 406; to Davison, *ibid.* p. 510; to Alexander Stephens, *ibid.* p. 520.

a matter where the indications are distinctly against the truth of the 'Compendio,' concerning which the marchese Maresca remarks that, being directed to Acton, it has all the appearance of a self-defence.⁷³ The marchese Maresca had previously noted that Micheroux, after the capitulation of the lower castles, 'had from the beginning wished to get possession of St. Elmo by paying a sum of money to Méjan (the commander), so avoiding injury to the city;' ⁷⁴ the latter a dominant and natural object with him and Ruffo, to effect which he was willing to try bribery of a military commander. In the 'Compendio,' addressed to Acton, Micheroux states, under date of 28 June, that there was a conference in the morning of that day between the commandant and council of St. Elmo on the one side, himself, Troubridge, and Ball on the other, after which,

upon returning to the city, Captains Troubridge and Ball desired that my adjutant should again go to St. Elmo under some pretext, to offer 15,000*l.* sterling to the commander, if he would immediately yield the castle. The adjutant discharged the commission. The commander having replied to me that he would be ready to come to an agreement, for no venal motive, and with care only for his honour, if it were not for certain very troublesome persons in his council, the adjutant thought best to entrust to General Gambs the charge of winning over the more obstinate of the council.⁷⁵

Among the letters of Troubridge to Nelson in the British Museum is the following, a postscript, which has become detached from its letter :—

Since finishing my letter the governor has through Mihereaux (*sic*) sent an offer to surrender for 150,000 ducats. I have long suspected Mr. M——. Ball will explain to your lordship this afternoon, as he is coming down, if you can spare Hallowell I should be much obliged to your lordship.

T. TROUBRIDGE.

I treated the offer as it deserved.⁷⁶

The date of this is wanting, but the reference to the exchange between Ball and Hallowell fixes it at 2 or 3 July—probably the former, as Ball's ship, the 'Alexander,' sailed for Malta on the 3rd.

The marchese Maresca has elsewhere stated that, at the beginning of the siege, 'the others, and probably the English above all, were opposed' to Micheroux's proposition to bribe. But, as 'the injuries to the city increased day by day, and the hope of reducing the fort became ever more remote, the English them-

⁷³ *Compendio*, p. 6. Maresca specifies Ruffo's apparent accusation that Micheroux had had a prominent consenting part in the capitulation, but this was not the only suspicion under which Micheroux lay. See Maresca, *Il Cavaliere Micheroux*, p. 248.

⁷⁴ *Ibid.* p. 243.

⁷⁵ *Compendio*, p. 17.

⁷⁶ Add. MS. 34915, f. 338. This letter, being undated, appears to have been placed with some others in a folio to which they do not belong.

selves began to bargain with Méjan concerning the price of a surrender.’⁷⁷ Among numerous letters of Troubridge during the siege, copies of which I have before me, I can find no trace either of a disposition to bribe or of fear concerning the issue. Maresca’s authorities at this time seem to be chiefly Micheroux’s letters and the contemporary ‘*Diario Napoletano*.’ The reader will remark that the statement that the English were ‘at first opposed’ is in flat contradiction to that of Micheroux in the ‘*Compendio*,’ before quoted, that on 28 June, before the siege even began, Troubridge and Ball offered 15,000*l.* for a surrender.

To this contradiction, as affecting Micheroux’s credit, add Troubridge’s letter above quoted, coincident with which, and corroborating it, we find the statement, in Maresca’s ‘*Cavaliere Micheroux*,’ that on 3 July Micheroux did receive a letter in cipher, through an intermediary with Méjan, offering to surrender for 150,000 ducats, concerning which Micheroux commented, ‘The truth is that for 50,000 to 60,000 ducats we could have had the fort from the beginning, without burning a match.’⁷⁸

Nor are these the only circumstances that throw grave doubt upon Micheroux’s truthfulness. In the same number of the ‘*Archivio Storico per le Province Napoletane*’ in which the ‘*Compendio*’ was first published, and immediately consecutive to it, is an article by M. E. Bertaux, quoting from the records of the French ministry of war a number of documents relating to the affairs at Naples in 1799. Among these is a copy of a letter, certified by the ‘inspector of reviews,’ from Micheroux to Méjan, presented by the latter in his own defence against charges of misconduct in the surrender of St. Elmo, for which use it had been written. In it Micheroux ‘certifies upon his word of honour . . . that a sum of money having been offered to the said commandant, he rejected the proposal in the most honourable manner.’⁷⁹ How this statement is to be reconciled with that quoted by the marchese Maresca does not immediately appear. The natural surmise is that Micheroux was himself so far involved—at Méjan’s mercy—that he could not refuse to write such a letter. That the queen, as well as Troubridge, suspected him is well known.⁸⁰ M. Bertaux, indeed, does not hesitate to characterise another statement of Micheroux’s, in the same letter, as a lie, in the following words: ‘I am willing even not to take account of a first lie (*menzogna*) of the Cav. Micheroux, and to believe provisionally that which other witnesses more worthy of trust deny—that is, that the castle, when surrendered, was *pour ainsi dire pulvérisé*.’ From his research into Méjan’s official records

⁷⁷ *Il Cavaliere Micheroux*, p. 243.

⁷⁸ *Ibid.* pp. 242–3.

⁷⁹ *Arch. Storico*, anno xxiv, p. 477 (1899).

⁸⁰ *Il Cavaliere Micheroux*, p. 248; Palumbo, *Carteggio Maria Carolina*, pp. 98, 100, 202.

M. Bertaux wholly discredits his refusal of a bribe,⁸¹ though he might have enacted the old comedy of indignant virtue protesting, with an open hand behind its back.

The reader must decide for himself how far the inherent improbabilities here indicated, and those involved in Micheroux's account of the surrender, in the 'Compendio,' before noted, affect his credibility as a witness. For myself, they place him alongside of Sacchinelli, as one from whose account side-lights may be received, inferences drawn, but whose uncorroborated statements cannot be accepted. The statements of the two, in the matter of the surrender of Nuovo and Uovo, are not only not corroborative, but are mutually destructive, while over against and contradicting them are the records of Troubridge—'whose honour,' said Lord St. Vincent, who knew him long, 'is bright as his sword'—as well as the explicit assertion of Nelson, 'With this knowledge the rebels came out of the castles.' To Nelson also, nearly two years later, when the transactions at Naples had become history, St. Vincent wrote, 'Be assured, my dear lord, every public act of your life has been the subject of my admiration;' and this was after Mr. Fox, St. Vincent's party chief, had made his well-known attack upon Nelson's conduct in the transaction under discussion. I mean not by this to claim that St. Vincent had perfect knowledge of the Naples business, but that he testified to an unimpeachable character, through over three years of close official association, as well as of longer opportunities for knowledge less direct. Every man is entitled to the presumption arising from such pertinent evidence to character, until credible proof to the contrary is brought.

Mr. Badham closes his attack upon Nelson by quoting Southey's words:—

A deplorable transaction! a stain upon the memory of Nelson and the honour of England! To palliate it would be in vain; to justify it would be wicked: there is no alternative for one who will not make himself a participator in guilt but to record the disgraceful story with sorrow and with shame.

Just so: Southey at the beginning of the century, with his fascinating style and narrative power, took up and gave currency to this view in a book which, through its singular literary merits, has ever since been the favourite and most widely read of the lives of Nelson. Yet one familiar with the details has but to read the passage beginning, 'About six-and-thirty hours afterwards Nelson arrived,' to see how imperfect and secondary was Southey's knowledge of the facts upon which he dared to pass his eloquent judgment. Nelson's statement, 'The rebels came out with this knowledge,' is not mentioned—was probably not even known to him—while the influence of Foote's resentful attack upon the

⁸¹ *Arch. stor.*, anno xxiv. pp. 479-81.

admiral's memory is traceable in Southey's very words. Thus current rumour and prejudiced view received the stamp of a supposed high authority, and gave existence to a prepossession against which laws of evidence strive at a disadvantage. Thus the case is ever being tried on appeal, and before the unqualified bench of biassed public opinion. Were the matter new, and could it be approached with open mind, the inadequacy of the testimony against Nelson would be apparent. But prejudice dies hard. Let men, however, squarely face the two facts—his record otherwise unblemished and his distinct affirmation, 'The rebels came out under this opinion—with this knowledge.' Then let them ask themselves whether against these two rocks the allegations of denouncers, as so far adduced, do not break in vain.

Nor should we, in the wish to be upright, 'lean over backward,' as an American expression has it. That a man is a national hero, and is dead, does not disentitle him to the presumption of innocence until guilt is proved; nor is it partiality to declare positively that a great and honourable name has not been stained, accepting as proof his own assertion, unless this is rebutted by clear and tenable evidence. Singularly enough, the fact that the evidence adduced against him is contradictory, 'shady,' and intricate, seems to give an impression that his own conduct must have been the same. Yet nothing could be clearer or more explicit than his assertion already so often quoted. Owing, however, to the denunciation of Southey and Fox, it has been for a century assumed that Nelson must have been guilty unless proof—negative proof—can be brought forward that he was innocent; that he did not do that of which, upon inadequate testimony, he has been accused and condemned.

A. T. MAHAN.

Notes and Documents

BYZANTINES AND ARABS IN THE TIME OF THE EARLY ABBASIDS.

THE Arabic historians Al Baladhuri (*circ.* 868), Ibn Wadhih, otherwise known as Al Ya'kubi (873), and Al Tabari (915), and the work known as 'Kitab Al 'Uyun,' or 'Book of Springs' (of the latter half of the eleventh century) contain much important information upon the wars, treaties, and other relations between the Byzantine and Arab empires, which even to Arabic scholars is only accessible by laborious search through matter relating to quite different subjects. In Weil's 'Geschichte der Chalifen' many valuable extracts and citations from Arabic authors are given; but none of the writers above mentioned was accessible to Weil,¹ whose information was drawn from the often corrupt epitome of Al Tabari given by Ibn Al Athir (1224) and from other inferior writers. I have therefore given below translations with a commentary and comparisons with Greek, Syriac, and Armenian writers of all passages in the above Arabic chronicles relating to the frontier wars of Arabs and Byzantines from the accession to power of the Abbasid dynasty in 750 down to the death of the Caliph Al Amin in 813, after which time there was a long cessation of hostilities. In Ibn Wadhih, Al Tabari, and the 'Kitab Al 'Uyun' the events are related in chronological order with dates,² and I have therefore arranged the extracts under the years of the Hira. In Al Baladhuri, on the other hand, who is in many ways the most valuable of all, they are arranged according to subjects, the fortunes of each province and of each town in the province being narrated separately, sometimes without dates; hence it was impossible to give these extracts with the others, and I have therefore placed them separately in Part II.

Although all these writers lived some time after the events recorded, their narratives relating to this period are largely derived from lost contemporary authors, of whom Al Wakidi, generally recognised as the best Arabic authority on these subjects, was

¹ Except parts of Al Tabari in MS.

² Ibn Wadhih gives short notices of each year's campaigns at the end of each caliphate, but he sometimes also has longer accounts in his ordinary narrative.

born in 747 and died in 823,³ and is therefore for the greater part of the period a contemporary source. Ibn Wadhih and Al Tabari, who in the Ommiad period follow in the main the same traditions,⁴ are in the period before us for the most part entirely divergent; and it may therefore be assumed that with few exceptions they drew from different sources. Whenever, therefore, their testimony agrees, it is all the more valuable. It does not, however, follow that, because they give the names of different men as leading a raid in one year, one of the two is wrong. In the first place several raids were often made at the same time in different places, and in the second place, where some exploit, such as the capture of a fort, was performed, one author might ascribe this to the man who actually achieved it, who was perhaps only the leader of a detachment, and another to the commander-in-chief. Further, Kudama informs us that it was the practice to make three raids each year, a winter-raid at the end of February and beginning of March, a spring-raid from 10 May to 10 June, and a summer-raid from 10 July to 8 Sept.⁵ Now a spring-raid is never mentioned by our authors and a winter-raid only once,⁶ and we may therefore assume that they as a rule classed them all under the ordinary term 'summer-raid,' in which the idea of any particular season was almost lost.⁷ Of course, where the raids are given all together in a summary, as is done by Ibn Wadhih, it is easy to enter one under a wrong year,⁸ but we must not hastily suppose this to be the case wherever he differs from other authors. In the case of nearly all important campaigns, however, we are not left to the guidance of the Arabic writers, but are able far better than in the earlier period to control them from external sources. For most of the period with which this article deals we have two contemporary authorities, the Pseudo-Dionysios,⁹ who wrote in 775, and Theophanes, who wrote in 818. Michael the Syrian¹⁰ (1196), who at least down to 746 follows in the main the same source as Theophanes, supplies in this period independent testimony, which is probably

³ The latest citation that I can find from him relates to the year 810.

⁴ An article dealing with the campaigns in Asia Minor in the time of the Ommiads appeared in the *Journal of Hellenic Studies*, xviii. 182 ff.

⁵ Ed. M. J. de Goeje, p. 259. De Goeje believes this geographer to have composed his work about 932; but the facts here given must be derived from some earlier writer, probably Al Garmi, who was a captive in 845 (*Al Mas'udi, Tanbih*, p. 190).

⁶ See p. 741. ⁷ See p. 737, where the 'summer-raid' began in February. The 'summer-raids' of A.H. 175 and 179 (see p. 741, note 116) were also clearly in the winter.

⁸ Where a new year began during the campaign, it might be entered under the expiring or the beginning year, and the peculiarity of the Arabic calendar makes such confusion particularly likely to occur.

⁹ Edited and translated by M. Chabot (Paris, 1895).

¹⁰ Quoted from the Arabic version (Brit. Mus. MS. Or. 4402). The original Syriac is being edited by M. Chabot. The Armenian version (translated into French by Langlois) is very inferior.

drawn for the most part from the chronicle of the true Dionysios (written in 843), whom he once quotes by name as an eye-witness.¹¹ Elijah of Nisibis,¹² or rather Al Khuwarizmi (*circ.* 835), from whom his notices of campaigns in Asia Minor are cited, unfortunately deserts us in 785, where a long lacuna in the manuscript begins. The Armenian Leontius,¹³ though his history only comes down to 790, seems to have written in the latter half of the ninth century. To all these authors I have given references in the margin, wherever they relate the same facts as are found in the Arabic writers.

It can hardly be said that the writers here cited mention any important invasion not recorded elsewhere; but from them we learn, what we should not otherwise have known, that there was a raid of some kind nearly every year, though the majority of these were no doubt wholly insignificant, while with regard to many of the more important events, such as the expeditions of Constantine against Melitene and Theodosiupolis, the capture of Semalous in 780, the expedition of Al Rashid in 783, and the campaigns and negotiations of the reign of Nikephoros, they supply many interesting details not recorded by other authors. They also frequently record facts which enable us to locate an expedition mentioned only in general terms by Theophanes: thus the capture of Laodikeia Katakekaumene in 770 and the advance to Ankyra in 776 are known only from Arabic sources. Further, the Arabs, and in particular Al Baladhuri, relate facts not otherwise known as to the captures and recaptures of Adata and other fortresses, and throw interesting light on the Arab system of colonising and garrisoning the frontier districts. They also frequently correct and supplement the chronology, fixing, for instance, the exact date of the Arab capture of Kamachon in 793: where, however, their chronology differs from that of Theophanes, it is often exceedingly difficult to decide between them. To other points of interest attention is called in the notes on the particular passages concerned.

E. W. BROOKS.

I. ANNALISTIC EXTRACTS.

A.H. 193.¹⁴ *Ibn Wadhik*. In his ¹⁵ days in the year 188, the Emperor of the Romans (and that was Constantine) advanced until he laid siege to Melitene and blockaded it; and he accepted terms of peace from it.¹⁶

Theoph.
A.M. 6243;
Nikeph. p.
66; Mich.
A.S. 1063;
El. Nis.
A.H. 133;
'Dion.'
A.S. 1061

¹¹ See p. 741, note 116. The name of Dionysios is not in the Arabic, but, being in Gregory Abu'l Farag, who follows Michael, must have been in the original.

¹² Edited with translation by Balthgen (*Abh. für die Kunde des Morgenlandes*, Bd. 8).

¹³ Ed. Ezeanths (St. Petersburg, 1887). For convenience the references are to Shahnazarean's translation (Paris, 1856).

¹⁴ 9 Aug. 750 to 29 July 751.

¹⁵ The Caliph Abu'l 'Abbas.

¹⁶ The writer seems purposely to avoid stating what the terms were. On the

Ard Moses the son of Ka'b, the Tamimi, advanced towards him, but there was no meeting between them. And Abu'l 'Abbas wrote to 'Abd Allah the son of 'Ali, telling him that owing to neglect on his part the enemy had wrought havoc; and he told him to go to the spot with the forces that he had with him, and to throw his forces into the frontier-districts. And he advanced until he passed through the pass; and he continued making his dispositions until the news of the death of Abu'l 'Abbas reached him.

Al Tabari. And in it Salih the son of 'Ali sent Sa'id the son of 'Abd Allah to make a summer-raid beyond the passes.

A.H. 136.¹⁷ *Al Tabari.* And in this year 'Abd Allah the son of 'Ali came to Abu'l 'Abbas at Al Anbar; and Abu'l 'Abbas appointed him to conduct the summer-raid with the men of Khurasan and the men of Al Sham [Syria] and Al Gazira [Mesopotamia]¹⁸ and Al Mausil. And he started and went as far as Doliche, but had not passed beyond the passes when the news of the death of Abu'l 'Abbas reached him.¹⁹

And 'Abd Allah the son of 'Ali returned with the forces that were with him.

A.H. 137.²⁰ *Ibn Wadhik.* And in his²¹ days in the year 137 a raid was conducted by Salih the son of 'Ali at the head of the army of Al Sham and Al 'Abbas the son of Mahomet the son of 'Ali at the head of the army²² of Khurasan. And no raid had been made upon the territory of the Romans since the raid of Al Ghamr the son of Yazid in the year 125 until this time. And Salih the son of 'Ali remained as wali of Al Sham and the frontier, and he sent deputy amirs to raid the territory of the Romans under the command of his son Al Fadhl the son of Salih and others.

Al Tabari. And the men made no summer-raid this year, because the Sultan was occupied in fighting Sunbadh.²³

A.H. 138.²⁴ *Al Tabari.* And among the events of the year was the entry of Constantine, the Emperor of the Romans, into Melitene by force; ²⁵and he overcame its inhabitants and razed its wall to the ground; and he spared the fighting men and the women and children in it.

And among the events of the year according to the statement of Al Wakidi was the summer-raid of Al 'Abbas the son of Mahomet the son of 'Ali the son of 'Abd Allah the son of Al 'Abbas, in company with Salih the son of 'Ali the son of 'Abd Allah; and Salih gave him 40,000 denarii. And with them went 'Isa the son of 'Ali the son of 'Abd Allah; and he gave him also 40,000 denarii. And Salih the son of 'Ali built other hand, the statement of Al Tabari (under the year 138) that it was taken by force seems to err on the other side. Cf. part ii. note 204.

¹⁷ 7 July 753 to 26 June 754.

¹⁸ I give these names throughout in the Arabic form, because they do not exactly correspond to Syria and Mesopotamia.

¹⁹ He died 9 June 754.

²⁰ 27 June 754 to 15 June 755.

²¹ The Caliph Al Mansur.

²² The word *gund* (army) seems to have fallen out.

²³ A Magian who revolted in Khurasan in the spring of 755.

²⁴ 16 June 755 to 4 June 756.

²⁵ The date is clearly wrong (see part ii. note 204). 'Dion.' however, makes Khushan the Armenian invade Anzetene with a Roman force in A.S. 1066 (755), which may explain the error (see part ii. note 222). It is hardly necessary with Weil (*Gesch. der Chalifen*, ii. p. 85) to assume two destructions of Melitene.

what the lord of the Romans had destroyed in Melitene. And it is said that the expedition of Salih and Al 'Abbas to Melitene on the raid was in the year 139.

A.H. 139.²⁶ *Al Tabari*. And among the events was the stay of Salih the son of 'Ali and Al 'Abbas the son of Mahomet at Melitene until they had completed the building of Melitene. Then they made a summer-raid by the pass of Adata, and invaded the land of the Romans; and Salih was accompanied on the raid by his sisters Um 'Isa and Lubaba, the daughters of 'Ali; and they had made a vow that, if the dominion of the Ommiads were ended, they would wage war in the path of God. And Ga'far the son of Hanzala, the Bahrani, made a raid by the pass of Melitene.

Theoph.
A.M. 6248

And in this year was the ransoming that was effected between Al Mansur and the lord of the Romans; and Al Mansur delivered the Moslem prisoners from them; and after this, as is stated, no summer-raid was made by the Moslems until the year 146, because Abu Ga'far was occupied with the affair of the sons of 'Abd Allah the son of Al Hasan, except that some record that Al Hasan the son of Kahtaba made a summer-raid in company with 'Abd Al Wahhab the son of Abraham, the Imam, in the year 140, and Constantine, the lord of the Romans, came with 100,000 men and reached the Gaihan [Pyramos]; and he heard of the numbers of the Moslems and was afraid to attack them; then after it there was no summer-raid until the year 146.

A.H. 141.²⁷ *Al Tabari*. And in this year was the completion of the building of Mopsouestia by the hands of Gabriel the son of Yahya, the Khurasani. And Mahomet, the son of Abraham the Imam, was stationed on the frontier at Melitene.²⁸

Theoph.
A.M. 6291 (?)

A.H. 142.²⁹ *Ibn Wadhik*. Al 'Abbas the son of Mahomet conducted the raid.³⁰

A.H. 143.³¹ *Ibn Wadhik*. Al 'Abbas again conducted the raid.

A.H. 145.³² *Ibn Wadhik*. Humaid the son of Kahtaba conducted the raid.

A.H. 146.³³ *Ibn Wadhik*. Mahomet the son of Abraham conducted the raid.

Al Tabari. And in this year Ga'far the son of Hanzala, the Bahrani, made a summer-raid.

A.H. 147.³⁴ *Ibn Wadhik*. Al Sara the son of 'Abd Allah the son of Al Harith conducted the raid.

A.H. 148.³⁵ *Ibn Wadhik*. Al Fadhl the son of Salih conducted the raid.

Al Tabari. And in this year Salih the son of 'Ali encamped at Dabik, as is recorded, and made no raid.

A.H. 149.³⁶ *Ibn Wadhik*. Yazid the son of Usaid conducted the raid.

²⁶ 5 June 756 to 24 May 757.

²⁷ 14 May 758 to 3 May 759.

²⁸ Under this year Ibn Wadhik records the rebuilding of Kamachon on the occasion of the invasion of the Chazars. But see part ii. note 201.

²⁹ 4 May 759 to 21 April 760.

³⁰ Theophanes records a great Arab victory on the Melas.

³¹ 22 April 760 to 10 April 761.

³² 1 April 762 to 20 March 763.

³³ 21 March 763 to 9 March 764.

³⁴ 10 March 764 to 26 Feb. 765.

³⁵ 27 Feb. 765 to 15 Feb. 766.

³⁶ 16 Feb. 766 to 5 Feb. 767.

'Dion.' A.S.
1078;
Theoph. A.M.
6261 (?)

Al Tabari. And among the events of the year was the summer-raid of Al 'Abbas the son of Mahomet into the land of the Romans; and with him were Al Hasan the son of Kahtaba and Mahomet the son of Al Ash'ath; and Mahomet the son of Al Ash'ath died on the way.

A.H. 150.³⁷ *Al Tabari.* And no summer-raid was made by the men this year. It is said that Abu Ga'far had appointed Usaid³⁸ to command in the raid this year, and he did not lead the men into the enemy's land but encamped in the meadows of Dabik.

A.H. 151.³⁹ *Al Tabari.* And 'Abd Al Wahhab the son of Abraham the son of Mahomet made a summer-raid this year.

A.H. 152.⁴⁰ *Al Tabari.* And, as is recorded, 'Abd Al Wahhab the son of Abraham made a summer-raid, but did not pass the passes. And it is said that the man who made the summer-raid this year was Mahomet the son of Abraham.

Theoph.
A.M. 6262 (?)

A.H. 153.⁴¹ *Al Tabari.* And in this year Ma'yuf the son of Yahya, the Haguri,⁴² made a summer-raid and came to one of the forts of the Romans by night, and its garrison was asleep, and he made captive and took prisoners all the fighting men in it. Then he went to Laodikeia the burnt [Laodikeia Katakekaumene] and took it, and he brought from it 6,000 captives besides the men of full age.

Theoph.
A.M. 6264 (?)

A.H. 155.⁴³ *Ibn Wadhik.* Yazid the son of Usaid⁴⁴ conducted the raid. *Al Tabari.* And in this year the lord of the Romans asked peace of Al Mansur on condition of paying him tribute. And in this year Yazid the son of Usaid, the Sulami, made a summer-raid.

A.H. 156.⁴⁵ *Al Tabari.* And in this year Zufar the son of 'Asim, the Hilali, made a summer-raid.

A.H. 157.⁴⁶ *Ibn Wadhik.* Zufar the son of 'Asim, the Hilali, conducted the raid.

Al Tabari. And in it Yazid the son of Usaid, the Sulami, made a summer-raid: and he sent Sinan, a maula⁴⁷ of Al Battal, to one of the forts, and he carried off prisoners and booty. And Mahomet the son of 'Umar⁴⁸ says that the man who made the summer-raid this year was Zufar the son of 'Asim.

A.H. 158.⁴⁹ *Al Tabari.* And in it Ma'yuf the son of Yahya made a summer-raid by the pass of Adata; and he met the enemy and they fought: then they made a truce.

A.H. 159.⁵⁰ *Ibn Wadhik.* The Romans came to Samosata and carried many persons into captivity; and he⁵¹ sent Saghir his maula to them and delivered the Moslems. And Al 'Abbas the son of Mahomet conducted the raid this year and reached Ankyra.

³⁷ 6 Feb. 767 to 25 Jan. 768.

³⁸ Perhaps an error for Yazid the son of Usaid.

³⁹ 26 Jan 768 to 13 Jan. 769.

⁴⁰ 14 Jan. 769 to 3 Jan. 770.

⁴¹ 4 Jan. to 23 Dec. 770.

⁴² Theoph.: Βαδύκας, i.e. Ibn Wakkas. This seems to have been Thumama (see note 57), who may have joined Ma'yuf in the raid. Theophanes mentions him also under the next year, where the Arabs do not record any raid.

⁴³ 13 Dec. 771 to 1 Dec. 772.

⁴⁴ Theoph.: Ἀλφάδλ Βαδύκρ, i.e. Al Fadhil ibn Dinar.

⁴⁵ 2 Dec. 772 to 20 Nov. 773.

⁴⁶ 21 Nov. 773 to 10 Nov. 774.

⁴⁷ I.e. slave or freedman.

⁴⁸ I.e. Al Wakidi.

⁴⁹ 11 Nov. 774 to 30 Oct. 775

⁵⁰ 31 Oct. 775 to 18 Oct. 776.

⁵¹ The Caliph Al Mahdi.

Al Tabari. And among the events was the summer-raid of Al 'Abbas the son of Mahomet⁵² this year until he reached Ankyra; and over the advance-guard of Al 'Abbas was Al Hasan the slave with the maulas: and Al Mahdi had sent with him all the chiefs of Khurasan and others. And Al Mahdi went out and encamped at Al Baradan⁵³ and remained there till he had dispatched Al 'Abbas the son of Mahomet and those whom he had charged to supply troops to accompany him. And he did not set Al 'Abbas over Al Hasan the slave or any one else with the power of deposition (?).⁵⁴ And on this raid of his he took a city of the Romans and a subterranean granary with it; ⁵⁵ and they returned safe and sound, and none of the Moslems was struck down.

Theoph.
A.M. 6268;
Leont. p. 160

A.H. 160.⁵⁶ *Ibn Wadhik.* Thumama the son of Al Walid,⁵⁷ the 'Absi, made a raid.

Theoph.
A.M. 6269

Al Tabari. And in it Thumama the son of Al Walid, the 'Absi,⁵⁸ made the summer-raid.

And in it Al Ghamr the son of Al 'Abbas, the Khath'ami, made a raid on the sea of Al Sham.

A.H. 161.⁵⁹ *Ibn Wadhik.* 'Isa the son of 'Ali made a raid; and he met a Roman army, and they surrounded him.

Al Tabari. And in it Thumama the son of Al Walid made a summer-raid, and encamped at Dabik.⁶⁰ And the Romans assembled troops; and he was taken by surprise. And his scouts and spies brought him the news, and he did not pay attention to the news which they brought. And he went out against the Romans, and they were under the command of Michael, with the advance-guard, and many of the Moslems were smitten: and 'Isa the son of 'Ali⁶¹ was posted on the frontier in the fortress of Mar'ash [Germanikeia] at that time. And the Moslems made no summer-raid that year on that account.

Theoph.
A.M. 6270;
Leont. l.c.

A.H. 162.⁶² *Ibn Wadhik.* Al Hasan the son of Kahtaba, the Tai, made a raid.

Al Tabari. And in it he appointed Thumama the son of Al Walid, the 'Absi, to command in the summer-raid, but he did not carry this out. And in it the Romans went out to Adata and destroyed its wall. And Al Hasan the son of Kahtaba made a summer-raid with 30,000 regularly paid men besides volunteers, and he reached the hot springs of Adhruliya [Dorylaion]; ⁶³ and he did much wasting and burning in the country of the Romans without taking a fort or meeting an army; ⁶⁴ and the

Theoph.
A.M. 6271;
Leont. p.
151; El. Nis.
A. II. 162

⁵² Theoph.: 'Αβασβαλί, i.e. Al 'Abbas (ibn Muhammad) ibn 'Ali.

⁵³ The first station from Bagdad on the western road.

⁵⁴ This sentence is very obscure.

⁵⁵ Theoph.: τὸ σπήλαιον τὸ ἐπιλεγόμενον Κάσιν ἀπὸ καπνοῦ. See Vasilyev, *Vizantiya i Araby*, p. 95, note 2.

⁵⁶ 19 Oct. 776 to 8 Oct. 777.

⁵⁷ Theoph.: Θουμάμας ὁ τοῦ Βάκα, i.e. son of Wakkas (see note 42). Either Wakkas was his grandfather, or Theophanes has confused *Ibn* and *Abu*.

⁵⁸ MS. here 'Kaisi;' corrected by Guyard.

⁵⁹ 9 Oct. 777 to 27 Sept. 778.

⁶⁰ Theoph.: ἐκάθισε Θουμάμας εἰς τὸ Δάβεκον καὶ ἐστασίασεν.

⁶¹ Theoph.: 'Ισβαλί, i.e. 'Isa ibn 'Ali.

⁶² 28 Sept. 778 to 16 Sept. 779.

⁶³ Theoph.: κατῆλθεν ἕως τοῦ Δορυλαίου.

⁶⁴ Theoph.: ὁ δὲ βασιλεὺς διετάξατο τοῖς στρατηγοῖς μὴ πολέμησαι αὐτοὺς δημόσιον πόλεμον ἀλλ' ἀσφαλίσασθαι τὰ κάστρα. Both Theophanes and Leontius speak of an attack on Amorion, and this is therefore perhaps the raid mentioned in a letter of Pope

Romans called him 'the serpent.' And it is said that Al Hasan only went to this spring in order to refresh himself in it on account of the sickness of it. Then he returned with his men safe and sound. And over the judicial business of his camp and the spoil that was collected was Hafs the son of 'Amir, the Sulami. He says: And in it Yazid the son of Usayyad, the Sulami, made a raid by the gate of Kalikala [Theodosiopolis] and carried off booty and took three forts⁶⁵ and made many prisoners and captives.

Mich.
A.H. 163

A.H. 163.⁶⁶ *Ibn Wakhsh*. And he built the frontier-town called Adata in the year 163, and in it was a check for the enemy and a barrier; ⁶⁷ and that because the Romans made an attack upon Mar'ash and made captures and slew men. And, when Al Mahdi built Adata, the men of the frontier found great assistance in it. And he sent Aaron his son this year, and with him a number of the chiefs and the army; and he went out in company with him to the Gaiban.⁶⁸ And in this raid Aaron took Samalik [Semalous]⁶⁹ and a large number of forts.

Al Tabari. And in it Al Mahdi levied contingents⁷⁰ for the summer-raid from all the forces of the men of Khurasan and others; and he went out and encamped at Al Baradan and stayed there about two months, making preparations and dispositions and paying the troops; and there he produced presents for the members of his family who had come with him.

And 'Isa the son of 'Ali died on the last day of Gumada II [Mar. 11] in Bagdad; and Al Mahdi went out on the following day to Al Baradan, starting for the summer-raid.⁷¹

Theoph.
A.N. 6372;
Mich.
A.S. 1001;
El. Nis.
A.H. 163

He said:⁷² And Al Mahdi sent Khalid the son of Barmak with Al Rashid (and he was successor-designate) when he sent him to raid the Romans, and with him he sent Al Hasan and Solomon, the sons of Barmak; and he sent with him as superintendent of the camp and of his finances and his dispatches, and to preside over his affairs, Yahya the son of Khalid, and all Aaron's affairs were in his hands; and Al Rabi' the chamberlain was sent with Aaron on the raid by Al Mahdi; and this was the relation between Al Rabi' and Yahya (?): and he consulted them and acted according to their advice; and God made great conquests by their hands, and bestowed conspicuous favour upon them in that country,

Hadrian, who brings them to 'Amoria' (*Cod. Car.* 74). He calls the leader the caliph's uncle, but, as Leontius also speaks of Al 'Abbas as commanding, he perhaps co-operated with Al Hasan. The letter is not earlier than 781, but can hardly refer to any other raid.

⁶⁵ Leont. 'Koloneia, Govatha, and Kastilon.' He says they occupied the country of the Marithenes.

⁶⁶ 17 Sept. 779 to 5 Sept. 780.

⁶⁷ Reading with Houtsma *daf* for *raf*, and *tasdid* for *sadid*.

⁶⁸ Mich. makes him encamp near Arabissos.

⁶⁹ Theoph.: τὸ Σημαλοῦς κάστρον. It seems to have been on the borders of the Armeniac and Buccellarian themes, Theophanes placing it in the former, Ibn Khurdadhbih (ed. De Goeje, p. 108) in the latter.

⁷⁰ Reading with Guyard *bu'uth* for *thughur*.

⁷¹ Some long-winded anecdotes are here omitted: so in other places.

⁷² The last authority quoted was Abu Budail, who took part in the expedition; but 'he said' is sometimes inserted by a scribe and refers to Al Tabari.

and on this expedition at Samalu [Semalous] Khalid gained conspicuous distinction such as fell to no one else.

And he gave orders to march,⁷³ and took all the members of his family who had come to him with his son Aaron to the land of the Romans; and Al Mahdi accompanied his son Aaron until he passed the pass and reached the Gaihan; and there he chose the site of the city which was named Al Mahdiyya; and he left Aaron on the Gaihan.

And Aaron went on till he encamped at a village in the land of the Romans in which was a fortress called Samalu; and he stayed before it 38 days, and he set up siege-engines against it until God took it, after he had done destruction in it, and after its inhabitants had been smitten with thirst and hunger, and after slaughter and wounds among the Moslems. And its capture was on conditions which they made for themselves that they should not be killed or removed or separated from one another. And they were granted these terms and surrendered, and he kept faith with them. And Aaron returned with the Moslems safe and sound except those who had been smitten there.⁷⁴

A.H. 164.⁷⁵ *Ibn Wadhih*. Then he sent him [Aaron] on a raid in the year 164, and he reached Constantinople.⁷⁶ And the Romans asked peace of him; and he made peace with them and returned.

Al Tabari. And among the events was the raid of 'Abd Al Kabir⁷⁷ the son of 'Abd Al Hamid the son of 'Abd Al Rahman the son of Zaid the son of Al Khattab by the pass of Adata. And Michael the patrician advanced against him, as is recorded, with about 90,000 men, among whom was Tazadh⁷⁸ the Armenian, the patrician. And 'Abd Al Kabir was afraid of him and prevented the Moslems from fighting, and returned.⁷⁹ And Al Mahdi wished to cut off his head, but intercession was made for him, and he shut him up in prison.

A.H. 165.⁸⁰ *Al Tabari*. And among the events was the summer-raid of Aaron the son of Mahomet Al Mahdi; and his father sent him, as is recorded, on Saturday 18 Gumada II⁸¹ to make a raid upon the country of the Romans, and he appointed Al Rabi'⁸² his maula to accompany him. And Aaron entered the country of the Romans and took Magida.⁸³ And

Theoph.
A.M. 6273;
Mich.
A.S. 1092 (?);
El. Nis.
A.H. 164

Theoph.
A.M. 6274;
Mich.
A.S. 1049;
Leont. p.
152; El. Nis.
A.H. 166

⁷³ *I.e.* from Aleppo.

⁷⁴ Theophanes records a defeat of the Arabs in 780.

⁷⁵ 6 Sept. 780 to 25 Aug. 781.

⁷⁶ In the summary at the end of the caliphate 'the Khalig of Constantinople' (see p. 738, note 89).

⁷⁷ Theoph.: Κεβήρ.

⁷⁸ Theoph.: Ταζάτης, Leontius 'Tatshat.'

⁷⁹ Theophanes makes him defeated at Melos. Michael brings the Arabs to the territory of Ephesos. The same year he makes a Roman army carry off some Syrians, but, as he puts this before Leo's death, the date is perhaps wrong.

⁸⁰ 26 Aug. 781 to 14 Aug. 782.

⁸¹ By the usual reckoning this is 7 Feb., a Thursday; but owing to the practice of beginning a month when the moon is visible the Arabic calendar is very irregular. The day was probably Saturday, 9 Feb. See the remarks of Mr. Kropf and Mr. S. Lane-Poole in the ENGLISH HISTORICAL REVIEW, xiii. 700 ff.

⁸² Theoph.: Βούρουσος, *i.e.* Ibn Yunus (Ibn Al Athir, vi. p. 65). He seems to have been also accompanied by one of the Barmakis, for Theophanes speaks of Βουρρίχῆ, *i.e.* Al Barmaki.

⁸³ The first fort on the Syrian frontier, 20 miles from Loulon (Al Mas'udi, *Al Tanbih wal Ishraf*, p. 178). As yet, however, the frontier had not advanced so far.

the horsemen of Niketas, Count of Counts,⁸⁴ met him : and Yazid the son of Mazyad went out against him. And Yazid waited for a time and then fell upon Niketas unawares ; and Yazid smote him until he was routed. And the Romans were put to flight, and Yazid took possession of their camp. And he went to the domestic ⁸⁵ at Nikufodiya [Nikomedeia] ⁸⁶ (and he is commander of the forces).⁸⁷ And Aaron marched with 95,793 men ; and he carried for them in gold 193,450 denarii, and in silver 21,414,800 drachmai. And Aaron marched until he reached the Khalig ⁸⁸ of the sea, which is over against Constantinople ; and the ruler of the Romans at that time was Ghustah [Augusta], the wife of Leo : and that because her son was a child, his father having died, and he was under her guardianship. And messengers and ambassadors passed between her and Aaron the son of Al Mahdi, seeking peace and accommodation and the payment of ransom. And Aaron accepted this from her, and stipulated for the payment by her of what she in fact paid him, and that she should supply him with guides and markets on his way, and that because he had come by a road that was difficult and dangerous to the Moslems ; and she agreed to what he asked. And the sum for which peace was established between him and her was 90,000 or 70,000 denarii, which she was to pay in April ⁸⁹ every year and in June. And he accepted this from her, and she supplied him with markets on his return, and with him she sent an envoy to Al Mahdi with what she gave, the terms being that she was to pay as ransom such sum as she could provide in gold and silver and goods. And they drew up an agreement for a truce for three years, and the prisoners were handed over ; and the number which God delivered into the hands of Aaron until the Romans submitted to pay tribute was 5,643 persons ; and there were killed of the Romans in the battles 54,000, and there were killed of the prisoners in bonds 2,090 prisoners. And the number of beasts trained to bear burdens which God delivered into his hands was 20,000 beasts, and there were slain of cattle and sheep 100,000 head. And the regularly paid troops exclusive of the volunteers and the traders were 100,000. And a horse ⁹⁰ was sold for a drachma, and a mule for less than 10 drachmai, and a cuirass for less than a drachma, and 20 swords for a drachma. And Marwan the son of Abu Hafsa said about this :

⁸⁴ *I.e.* Count of Opsikion. He may be the ex-general killed in 792 or the *δομέστικος τῶν σχολῶν* of 799 (Theoph. A.M. 6284. 6291).

⁸⁵ Theoph. : *Ἀπτόνιον τὸν δομέστικον*. Weil (ii. 100, n. 2), misled by Ibn Al Athir's summary, has given a wholly erroneous account of these events.

⁸⁶ *V.l.* 'son of Kuriya.'

⁸⁷ According to Theophanes Antony surrounded the Arabs, but Tathat deserted. Tathat, according to Leontius, helped the Arabs out.

⁸⁸ *I.e.* the canal, the Arabic name for the Bosporos, Propontis, and Hellespont, sometimes also including the Euxine and the Aegean (see *Journal of Hellenic Studies*, xix. 23). Michael makes Al Rashid meet the Romans on the Sangarios, but places this and the three years' peace in A.S. 1094. Theophanes brings him to Chrysopolis. According to Michael the Arabs were caught in a trap and asked for peace.

⁸⁹ Text 'Nisan I,' but as there was only one Nisan, *al awwal* should probably be omitted. Guyard proposes 'the 1st of April.' That the sentence is corrupt appears from the fact that the copula before 'in June' is omitted. Possibly Nisan I is an error for Khonun I (December), which goes more naturally with June.

⁹⁰ The word expresses an inferior kind of horse.

Thou didst extinguish the Romans at Kustantina by resting the lance⁹¹ against it until its wall clothed itself in submission. And thou hurledst no stone against it until its kings brought its tribute to thee, and it is war with which its pots boil.

Kitab Al 'Uyun. And in the year 165 Al Mahdi appointed his son Aaron to command in the summer-campaign; and he marched until he came to Constantinople. And a Roman force came against him.⁹² . . . And a large number of swords were sold for a drachma, and horses⁹³ for a denarius. And he took away the best articles and burnt what remained. It is said: And Aaron had such a force as had never been got together in Al Islam. And she⁹⁴ sent and gave him a gift and asked him for a truce; and he made a truce with her for three years on condition that she paid him every year 1,000,000 denarii, 10,000 silk garments, and that she paid him at once. And he received part of this sum and arranged that the rest should be forwarded to him by messengers. And on his return from this raid Al Mahdi appointed him to the position of successor-designate after Moses Al Hadi and named him Al Rashid.

A.H. 166.⁹⁵ *Ibn Wadhih.* Thumama the son of Al Walid made a raid.

Al Tabari. And among the events was the return of Aaron the son of Al Mahdi and those who were with him from the Khalig of Kustantina in Al Muharram on the 17th of it [Aug. 31]: and the Romans came bringing the tribute with them, and that was, as is stated, 64,000 denarii according to the Roman standard, and 2,500 Arabic denarii and 80,000 lbs. of goat's wool.

And there was no summer-raid this year on account of the truce made in it.

A.H. 167.⁹⁶ *Ibn Wadhih.* Al Fadhl the son of Salih made a raid.

Al Tabari. And there was no summer-raid in it on account of the truce between the Moslems and the Romans.

A.H. 168.⁹⁷ *Ibn Wadhih.* Mahomet the son of Abraham made a raid.

Al Tabari. And among the events was the rupture made by the Romans⁹⁸ in the peace which had been made between them and Aaron the son of Al Mahdi, which we have recorded above, and their perfidy; and that was in the month of Ramadhan [17 Mar.-15 April] of this year. And between the beginning of the peace and the perfidy of the Romans and their breach of it were 92 months.⁹⁹ And 'Ali the son of Solomon,

⁹¹ Reading *alkana* with Guyard for *alif*.

⁹² The account of the defeat of the Romans must, as De Goeje remarks, have fallen out.

⁹³ See p. 738, note 90.

⁹⁴ *I.e.* Irene; either the name has fallen out or it was mentioned in the lacuna above.

⁹⁵ 15 Aug. 782 to 4 Aug. 783.

⁹⁶ 5 Aug. 783 to 23 July 784.

⁹⁷ 24 July 784 to 13 July 785.

⁹⁸ If the statement of Ibn Wadhih under A.H. 167 is correct, the rupture was on the side of the Arabs. According to Theophanes (A.M. 6277) the peace had not been broken at the beginning of 785, nor does he record any hostilities till Sept. 788.

⁹⁹ This places the peace in Al Muharram 166, and the date given by Al Tabari for Al Rashid's return must therefore be that on which he began his retreat. It is probably, in fact, the day on which the truce was signed.

who was then in command of Al Gazira and Kinnasrin [Chalkis], sent Yazid the son of Al Badr the son of Al Battal with a cavalry force against the Romans; and they took spoil and were victorious.

Mich.
A.S. 1097 (?)

A.H. 169.¹⁰⁰ *Al Tabari*. And Ma'yuf the son of Yahya made a raid in the summer of this year by the pass of Al Rahib; ¹⁰¹ and the Romans had advanced to Adata with the patrician; and the wali and the garrison and the merchants had fled, and the enemy had entered it. And Ma'yuf the son of Yahya entered the enemy's land and reached the city of Ushna; ¹⁰² and they took prisoners and captives and carried off spoil.¹⁰³

Mich.
A.S. 1094

A.H. 170.¹⁰⁴ *Al Tabari*. And in it Tarsos was rebuilt by the hands of Abu Sulaiman Farag the slave, the Turk, and men were settled in it.

Mich.

. . . And Solomon the son of 'Abd Allah, the Bakkhai, made the summer-raid this year.¹⁰⁵

A.H. 171.¹⁰⁶ *Ibn Wadhih*. Yazid the son of 'Anbasa, the Harashi, deputy-governor under Isaac the son of Solomon, made a raid.

Theoph.
A.M. 6281 (?)

A.H. 172.¹⁰⁷ *Ibn Wadhih*. Mahomet the son of Abraham made a raid.

Al Tabari. And Isaac the son of Solomon the son of 'Ali made the summer-raid this year.

A.H. 173.¹⁰⁸ *Ibn Wadhih*. Abraham the son of 'Uthman made a raid.

A.H. 174.¹⁰⁹ *Ibn Wadhih*. Solomon the son of Abu Ga'far made a raid.

Al Tabari. And 'Abd Al Malik the son of Salih made the summer-raid.

A.H. 175.¹¹⁰ *Ibn Wadhih*. 'Abd Al Malik the son of Salih made a raid.

Al Tabari. And in it 'Abd Al Rahman the son of 'Abd Al Malik the son of Salih made the summer-raid and reached Ikritiya.¹¹¹ And Al Wakidi says that the man who made the summer-raid this year was 'Abd Al Malik the son of Salih. He says: And in this raid they met with such cold that their hands and feet fell off.

A.H. 176.¹¹² *Ibn Wadhih*. Hashim the son of Al Salt made a raid.

Mich.
A.S. 1104

Al Tabari. And 'Abd Al Rahman the son of 'Abd Al Malik made the summer-raid this year and took a fort.¹¹³

¹⁰⁰ 14 July 785 to 2 July 786.

¹⁰¹ *I.e.* 'the monk' or 'the lion.'

¹⁰² Yakut mentions a town of this name, but it was in Atropatene.

¹⁰³ Michael places the raid of Ma'yuf, whom he calls Malshuf, in September, but after Al Rashid's accession, and therefore not before 786.

¹⁰⁴ 3 July 786 to 21 June 787.

¹⁰⁵ Before this sentence Ibn Al Athir has, 'And it is said that he [Al Rashid] made a raid in the summer himself.' Michael calls Solomon governor of Adata.

¹⁰⁶ 22 June 787 to 10 June 788.

¹⁰⁷ 11 June 788 to 30 May 789.

¹⁰⁸ 31 May 789 to 19 May 790.

¹⁰⁹ 20 May 790 to 9 May 791.

¹¹⁰ 10 May 791 to 27 April 792.

¹¹¹ Probably not Crete (Ikritish), in which case 'by sea' would be added, but, as Guyard suggests, the town which Yakut (ii. 865) calls Ikrita and states to have been the seat of the general of Chaldia. The extreme cold places Crete out of the question.

¹¹² 28 April 792 to 17 April 793.

¹¹³ Michael calls it Rabsa (*l. Dabsa, i.e. Thebasa*) in Cappadocia, and says that 400 men died of thirst in it before the surrender. He says that 'Abd Al Malik also made a raid this year.

A.H. 177.¹¹⁴ *Ibn Wadhīh*. David the son of Al Nu'man made a raid as deputy of 'Abd Al Malik.

Al Tabari. And in it 'Abd Al Razzak the son of 'Abd Al Hamid, the Taghlibi, made the summer-raid.

A.H. 178.¹¹⁵ *Ibn Wadhīh*. Yazid the son of Ghazwan made a raid.

Al Tabari. And in it Mu'awiya the son of Zufar the son of 'Asim made the summer-raid; and in it Solomon the son of Rashid made the winter-raid, and with him was Elpidius, patrician of Sicily.¹¹⁶

Theoph.
A.M. 6286 (?);
Mich. (c).
Greg. p. 129).
Theoph.
A.M. 6287 (?)

A.H. 179.¹¹⁷ *Ibn Wadhīh*. Al Fadhl the son of Mahomet made a raid.

A.H. 180.¹¹⁸ *Ibn Wadhīh*. Isma'il the son of Al Kasim made a raid.

Al Tabari. And in it Mu'awiya¹¹⁹ the son of Zufar the son of 'Asim made the summer-raid.

Theoph.
A.M. 6288 (?)

A.H. 181.¹²⁰ *Ibn Wadhīh*. Aaron Al Rashid made a raid and took the forts of Al Su'af.

Al Tabari. And in it was the raid of Al Rashid into the land of the Romans, and in it he took by force the fort of Al Safsaf.¹²¹ And Marwan the son of Abu Hafs says:

Mich.
A.S. 1108

Verily the commander of the believers, the elect,¹²² hath left Al Safsaf a plain and a desert.¹²³

Theoph.
A.M. 6290

And in it 'Abd Al Malik the son of Salih made a raid on the Romans and reached Ankyra and took a subterranean granary.¹²⁴

Kitab Al 'Uyun. Then 'Abd Al Razzak made the summer-raid, and he was wali of the frontier, and he was good in the conduct of affairs and a mighty man of valour.

A.H. 182.¹²⁵ *Ibn Wadhīh*. Abraham the son of Al Kasim made a raid as deputy of 'Isa the son of Ga'far.

Al Tabari. And in it 'Abd Al Rahman the son of 'Abd Al Malik the son of Salih made the summer-raid and reached Dafasus [Ephesos], the city of the inmates of the cave.¹²⁶

Theoph.
A.M. 6291 (?)

And in it the Romans put out the eyes of their king, Constantine the

¹¹⁴ 18 April 793 to 6 April 794.

¹¹⁵ 7 April 794 to 26 March 795.

¹¹⁶ See Theoph. A.M. 6274. Michael and Gregory say that they came to Simisun (Semisos?), where the winter came on and 4,000 died, after which in January they left the place. Many are said to have had their feet frostbitten, and a quotation is given from Dionysios (see p. 731, note 11), who saw 400 of them in Edessa after the retreat. This is placed before the reconciliation between Constantine and Irene (15 Jan. 792), but perhaps there is a confusion with the campaign of A.H. 175. It is strange to find Semisos (Ptol. 5, 7, 6) in Roman hands. Possibly Sasima is really meant.

¹¹⁷ 27 March 795 to 15 March 796.

¹¹⁸ 16 March 796 to 4 March 797.

¹¹⁹ Ibn Al Athir 'Mahomet the son of Mu'awiya.'

¹²⁰ 5 March 797 to 21 Feb. 798.

¹²¹ *I.e.* the willow. The form 'Su'af' found in Ibn Wadhīh does not mean anything.

¹²² *Mustafa*; perhaps a play on 'Safsaf' is intended.

¹²³ *Safsafa*.

¹²⁴ Theoph.: 'Αβιμέλεχ ληϊζόμενον τὰ μέρη Καππαδοκίας και Γαλατίας.

¹²⁵ 22 Feb. 798 to 11 Feb. 799.

¹²⁶ *I.e.* the Seven Sleepers. This seems to be the expedition which Theophanes records under A.M. 6291 (799), and ascribes to 'Abd Al Malik (κατῆλλον ἔως Λυδίας). As this was only a division of the army, its leader may have been 'Abd Al Rahman. The Arabs, however, seem to have been in some confusion between Ephesos and Arabissos as the site of the legend of the Sleepers (De Goeje in *Versl. en Meded. d. Kon. Ak. d. Wetenschappen*, 4. iii. p. 23 ff.)

son of Leo, and they confirmed his mother Rina [Irene] in the kingdom, and she was surnamed Ughutsah [Augusta].¹²⁷

A.H. 183.¹²⁸ *Ibn Wadhīh*. Al Fadhl the son of Al 'Abbas made a raid.

A.H. 184.¹²⁹ *Ibn Wadhīh*. Mahomet the son of Abraham made a raid.

A.H. 185.¹³⁰ *Ibn Wadhīh*. Abraham the son of 'Uthman made a raid.

A.H. 186.¹³¹ *Ibn Wadhīh*. Abraham the son of 'Uthman again made a raid.

A.H. 187.¹³² *Ibn Wadhīh*. Al Kasim the son of Al Rashid¹³³ and 'Abd Al Malik the son of Salih¹³⁴ and Abraham the son of 'Uthman the son of Nahik made a raid; and in it Al Rashid put Abraham the son of 'Uthman to death.¹³⁵

Al Tabari. And in it Al Rashid sent his son Al Kasim on the summer-raid; and he gave him to God and made him an oblation for himself and a propitiation; and he appointed him wali of Al 'Awasim.¹³⁶

And in this year Al Kasim the son of Al Rashid entered the land of the Romans in Sha'ban [25 July-22 Aug.]¹³⁷ and besieged Kurra [Koron]¹³⁸ and blockaded it; and he sent Al 'Abbas the son of Ga'far the son of Mahomet the son of Al Ash'ath, and he besieged the fort of Sinan¹³⁹ until they were sore distressed. And the Romans sent to him offering¹⁴⁰ him 320 Moslem prisoners if he would retire from them. And he accepted their offer and retired from Kurra and the fort of Sinan in peace. And 'Ali the son of 'Isa the son of Moses died on this raid in the land of the Romans, and he was with Al Kasim.

And in this year the ruler of the Romans broke the peace made between his predecessor and the Moslems, and refused what their previous king had undertaken to pay.

And the reason of this was that peace had been made between the

¹²⁷ At some time during the sole reign of Irene (797-802) Michael places a defeat of the Arabs by Aetius, and in the next year an Arab victory.

¹²⁸ 12 Feb. 799 to 31 Jan. 800.

¹²⁹ 1 Feb. 800 to 19 Jan. 801.

¹³⁰ 20 Jan. 801 to 9 Jan. 802.

¹³¹ 10 Jan. to 29 Dec. 802.

¹³² 30 Dec. 802 to 19 Dec. 803.

¹³³ This is in the summary at the end of the caliphate. In the narrative Ibn Wadhīh places this in 188; see below, p. 744.

¹³⁴ According to Michael 'Abd Al Malik was in command of an army at the time of Nikephoros's accession (Oct. 31, 802).

¹³⁵ Al Tabari states that Al Wakidi placed Abraham's death in this year, other authors in 188.

¹³⁶ *I.e.* the defences; a portion of Syria and Euphratesia made a separate province in A.H. 170. The towns are given by Ibn Khurdadhbih (p. 75).

¹³⁷ Ibn Wadhīh in the narrative places it in 188, in which Sha'ban is 14 July to 11 Aug. Probably, however, it should with Weil (ii. 158, n. 2) be assigned to 186 (5 Aug. to 2 Sept.). The date may have been changed in order to reconcile it with the story of the breach of peace (note 141). Against the date 188 see above, note 135, and p. 744, note 150.

¹³⁸ In what was later the Cappadocian theme (Ibn Khurd. p. 108). According to Yakut (ii. 864) it was the seat of the kleisourarch of Cappadocia.

¹³⁹ *I.e.* lance-point; see *Journ. Hell. Stud.* xviii. 205. In Ptol. 5, 6, 15, where the Greek text has Σίνα, the Latin has 'Sina,' and this may be the place meant, though its situation makes the identification improbable. Sinis near Melitene is, of course, out of the question.

¹⁴⁰ Adopting Guyard's emendation, *tabdhul* for *tubaddil*.

Moslems and the ruler of the Romans (and their ruler at that time was Rina, and we have recorded above the reason of the peace made between the Moslems and her ¹⁴¹): and the Romans turned against Rina and deposed her and made Nikephoros king over them. And the Romans record that this Nikephoros was a descendant of Gafna of Ghassan, and that before his accession he was comptroller of the revenue-accounts. Then Rina died five months after the Romans had deposed her. And it is recorded that, when Nikephoros became king, and the Romans were confirmed in allegiance to him, he wrote to Al Rashid.¹⁴² . . .

He says: And, when Al Rashid read the letter, his wrath was roused so much that no one could look at him, much less speak to him; and his household separated, fearing to increase it by any speech or action on their part; and the wazir was in doubt whether to give him advice or to leave him to his own deliberations without him. And he called for an inkpot and wrote on the back of the letter: ¹⁴² . . .

Then he set out the same day and marched until he reached the gate of Herakleia; ¹⁴³ and he made captures and took spoil and carried off the best of everything and slew and wasted and burnt and extirpated. And Nikephoros asked for a treaty on condition of paying annual tribute,¹⁴⁴ and he accepted his offer. And, when he had returned from his raid and reached Al Rakka [Kallinikos], Nikephoros broke the treaty and violated the compact. And the cold was severe, and Nikephoros made sure that he would not return against him. And the news came that he had gone back from the conditions which he laid upon him,¹⁴⁵ and it was not easy for any one to tell him this through fear of returning at such a season on his account and their own. And an artifice was used with him by means of a poet, a man of Gada (?) ¹⁴⁶ called Abu Muhammad 'Abd Allah the son of Joseph (and it is said that he was Al Haggag the son of Joseph), the Taimi; and he said: ¹⁴⁷ . . .

¹⁴¹ Al Tabari has not mentioned any peace since that of A.H. 165, which was for three years only, though he has not recorded any fighting since A.H. 182. No peace is mentioned by Theophanes or Michael as existing at Nikephoros's accession, and the whole story seems to be an Arab invention. The letters following are therefore spurious, though Michael says that Nikephoros wrote an insulting letter to the caliph. Michael here says that Nikephoros was more vigorous than any emperor since the rise of the Arabs, but later he states that one Chalcedonian historian (Theophanes?) heaps much abuse on him.

¹⁴² The letters are well known, being given in Gibbon (ch. 52) and Weil (ii. 159), and need not be repeated here.

¹⁴³ Michael places the capture of Herakleia in April. He is referring to its capture in 806; but as the capture was, in fact, in August or September after a month's siege (see p. 745), we may perhaps apply the April date to the campaign of 803, though of course it is not here stated that Herakleia was taken.

¹⁴⁴ Michael says they encamped opposite one another for two months negotiating, and then made peace without fighting. Theophanes records no peace before 806, and mentions no invasion in 803.

¹⁴⁵ Theophanes seems to refer to this when he says that contrary to the treaty he restored the dismantled forts. He places this, however, after the treaty of 806.

¹⁴⁶ The reading is doubtful. Ibn Al Athir has *gundihi*, 'his army.'

¹⁴⁷ Here follow three long pieces of poetry, which cannot be given here. The first

And, when he had finished his recital, he said, 'The action of Nikephoros has kindled this;' and he knew that the wazirs had used an artifice with him in this matter. And he retraced his steps amidst the greatest hardships and the sorest fatigues, until he encamped in his possessions, and he did not return until he was satisfied and went as far as he wanted.¹⁴⁸

A.H. 188.¹⁴⁹ *Ibn Wadhîh*. And Al Rashid sent his son Al Kasim on the summer-raid in this year, that is the year 188, and with him was 'Abd Al Malik the son of Salih, the Hashimi,¹⁵⁰ and over his affairs was Abraham the son of 'Uthman the son of Nahik. And he besieged the fort of Sinan and Kurra, and the men¹⁵¹ were smitten with severe hunger and distress and afflicted with thirst; and the Romans asked for peace on condition of handing over to him 320 Moslems; and he accepted and returned.

Al Tabari. And among the events of the year was the summer-raid of Abraham the son of Gabriel and his invasion of the land of the Romans by the pass of Al Safsaf.

And Nikephoros came out to meet him, but there was brought to him from behind the news of an event which caused him to turn aside from coming to meet him, and he fell in with a party of Moslems and received three wounds and was routed.¹⁵² And there were slain of the Romans, as is recorded, 40,700 men, and 4,000 beasts of burden were captured.

And in it Al Kasim the son of Al Rashid was stationed on the frontier at Dabik.

A.H. 189.¹⁵³ *Ibn Wadhîh*. Al Fadhl the son of Al 'Abbas made a raid.

Al Tabari. And in this year was the ransoming between the Moslems and the Romans,¹⁵⁴ and no Moslem remained in the land of the Romans who was not ransomed, as is recorded. And Marwan the son of Abu Hafsa said of this:

And through thee were the captives freed, for whom high prisons were built, wherein was no friend to visit them, for so long as the price of their redemption passed the Moslems' power to pay. And they said, 'The prisons of the polytheists are their graves.'

And in it Al Kasim was stationed on the frontier at Dabik.

two are repeated by Al Mas'udi, and may be read in the French version of Barbier de Meynard (ii. 337-40): According to Al Mas'udi it was an illness of the caliph which prevented the wazirs from speaking to him for some time after the news arrived.

¹⁴⁸ Here follows another piece of poetry, which may be read in the French version of Al Mas'udi (ii. 350-1). Ibn Al Athir adds: 'And it is said that the action of Nikephoros and these verses were the cause of Al Rashid's march; and he took Herakleia, as we shall record under the year 190, if it please God Most High.'

¹⁴⁹ 20 Dec. 803 to 7 Dec. 804.

¹⁵⁰ According to Al Tabari, 'Abd Al Malik was imprisoned in 187, and the campaign of Al Kasim must therefore be placed not later than 187.

¹⁵¹ *I.e.* the Arabs, who are always meant by 'the men.' In Al Tabari the expression is ambiguous, but in Ibn Al Athir it is applied to the garrison. The easy terms tell in favour of Ibn Wadhîh.

¹⁵² At Krasos in Phrygia, according to Theophanes. ¹⁵³ 8 Dec. 804 to 26 Nov. 805.

¹⁵⁴ At Al Lamis (Lamos) 35 miles from Tarsos (Al Masas'udi, *Tanbih*, p. 189). This is not the river, but the town, for Al Mas'udi mentions it among the towns of the theme of Seleukeia.

A.H. 190.¹⁵⁵ *Ibn Wadhīh*. Al Rashid made a raid and took Herakleia and the subterranean granaries. And he sent Humaid the son of Ma'yuf on a raid by sea; and the people of Cyprus had broken the peace;¹⁵⁶ and he raided them and slew and took captives.

Al Tabari. And in this year Al Rashid made the summer-raid.

And in it the Romans went out to Anazarbos and Kanisa Al Saudaa¹⁵⁷ and overran the country and took prisoners: and the men of Mopsouestia recovered all that were in their hands.¹⁵⁸ And in it Al Rashid took Herakleia and dispersed his troops and his horsemen over the land of the Romans; and he entered it, as is recorded, with 135,000 regularly paid men besides the camp-followers and volunteers and those who were not registered. And 'Abd Allah the son of Malik besieged Dhu'l Kila;¹⁵⁹ and he sent David the son of 'Isa the son of Moses on a march into the land of the Romans with 70,000 men. And Shurahil the son of Ma'n the son of Zaida took the fort of the Slavonians¹⁶⁰ and Dabsa¹⁶¹ [Thebasa]; and Yazid the son of Makhlad took Al Safsaf and Malakubiya [Malakopea].¹⁶² And Al Rashid's capture of Herakleia was in Shawwal [20 Aug.—17 Sept.]; and he laid it waste and carried its people into captivity after remaining before it thirty days. And he appointed Humaid the son of Ma'yuf wali of the coast of the sea of Al Sham as far as Egypt, and Humaid reached Cyprus and destroyed and burnt and carried 16,000 of its people captive; and he brought them to Al Rafika;¹⁶³ and Abu'l Bakhtara the judge was appointed to sell them, and the bishop of Cyprus fetched 2,000 denarii.¹⁶⁴ And Aaron's entry into the land of the Romans was on 20 Ragab [11 June]; and he made a pointed cap on which was written 'Raider and pilgrim,' and wore it. And Abu'l Mu'ali the Kilabi said:

Theoph.
A.M. 6298;
Mich.
A.S. 1115

Theoph.
A.M. 6299

And who would seek or wish to contend with thee, whether in the holy cities or on the farthest frontier, whether in the enemy's land on a high-bred horse or in the land of ease upon a camel's saddle? And none beside thee subdued the frontiers, of those that were appointed to rule over affairs.

Then Al Rashid went to Tyana and encamped there. Then he removed from it and left 'Ukba the son of Ga'far in command of it and

¹⁵⁵ 27 Nov. 805 to 16 Nov. 806.

¹⁵⁶ *I.e.* that made in the time of Mu'awiya and confirmed in that of 'Abd Al Malik, by which Cyprus was in a way neutralised, remaining apparently under Roman rule but paying equal tribute to both parties and helping neither in war.

¹⁵⁷ *I.e.* the black church. Ibn Khurdadhbah (p. 100) places it among the frontier towns of Syria in possession of the Arabs.

¹⁵⁸ Michael, who places the event in 804, says that they carried off prisoners from Anazarbos and Mopsouestia and were defeated at Tarsos.

¹⁵⁹ *I.e.* possessing strength. This seems to point to Sideropolos. See part ii. note 195.

¹⁶⁰ See *Journ. Hell. Stud.* xix. 21.

¹⁶¹ *V.l.* Daisah. Ibn Al Athir 'Dalsa' (see *J. H. S.* xviii. 197, xix. 32) or 'Dabsah.'

¹⁶² Theoph.: *παρέλαβε τό τε Ἡρακλείως κάστρον . . . καί τήν Θήβασαν καί τήν Μαλακοπέαν καί τήν Σιδηρόπαλον καί τήν Ἀνδρασόν.* Malakopea may perhaps be identified with the place called Kamudiya (with several variants) (*J. H. S.* xviii. 193). Ibn Khurdadhbah (p. 108) says it means 'mill-quarry' (Mylokoepa?)

¹⁶³ Near Kallinikos (*Al Tabari*, A.H. 155).

¹⁶⁴ Ibn Al Athir 'a ransom of 2,000 denarii.' Al Baladhuri (p. 154) says that Al Rashid sent the captives back.

ordered him to build a station there.¹⁶⁵ And Nikephoros sent Al Rashid the contribution and tribute for himself and his successor-designate and his patricians and the other inhabitants of his country, 50,000 denarii, of which 4 denarii were for his own person and 2 denarii for that of his son Stauracius.¹⁶⁶ And Nikephoros wrote a letter and sent it by two of his chief patricians about a female slave among the captives of Herakleia, which I have copied :

To God's slave, Aaron, Commander of the believers, from Nikephoros, king of the Romans. Peace to you. To proceed, O King, I have a request to make of you that will not injure you in your religious or your worldly life,¹⁶⁷ a small and easy matter, that you will give my son a female slave, one of the inhabitants of Herakleia, whom I had sought as a wife for my son ;¹⁶⁸ and, if you think good to perform my request, do so. And peace be to you and God's mercy and blessing.

And he also asked him for some perfume and one of his tents. And Al Rashid ordered the slave to be sought,¹⁶⁹ and she was brought and decked out and seated on a throne in his tent in which he was living ; and the slave was handed over, and the tent with all the vessels and furniture in it, to the envoy of Nikephoros.¹⁷⁰

And he sent him the scent which he asked, and he sent him some dates and figs and raisins and treacle. And Al Rashid's envoy handed over all this to him, and Nikephoros gave him a load of Islamic drachmai upon a bay horse,¹⁷¹ the amount of which was 50,000 drachmai, and 100 silk garments and 200 embroidered garments and 12 falcons and 4 hunting dogs and 3 horses.¹⁷¹ And Nikephoros had stipulated that he should not lay waste Dhu'l Kila' or Samaluh or the fort of Sinan ; and Al Rashid stipulated with him that he should not restore Herakleia,¹⁷² and that Nikephoros should undertake to pay him 800,000 denarii.

And the people of Cyprus broke the treaty, and Ma'yuf the son of Yahya raided them and carried the people captive.

A.H. 191.¹⁷³ *Ibn Wadhīh*. Al Rashid started with the intention of going on the raid, but, when he reached Adata, he sent them on the raid in charge of Harthama the son of A'yan and stayed on the frontier till Harthama returned.

Al Tabari. And in it Yazid the son of Makhlad, the Hubairi, raided the land of the Romans with 10,000 men ; and the Romans occupied the

¹⁶⁵ Theoph. : ἐλθὼν εἰς Τύανα ἐκδόμησεν οἶκον τῆς βλασφημίας αὐτοῦ.

¹⁶⁶ Theoph. : τρία νομισματα κεραλιτιῶν αὐτοῦ τοῦ βασιλέως καὶ τρία τοῦ υἱοῦ αὐτοῦ. According to Michael, Al Rashid was afraid of the Romans and asked for peace.

¹⁶⁷ This Moslem formula shows the letter to be spurious.

¹⁶⁸ According to Theoph. (A.M. 6300) Stauracius's wife was an Athenian and had a husband living, from whom she was divorced in order to marry Stauracius.

¹⁶⁹ Mich. : 'Aaron built a city near Kallinikos and named it Herakleia because of the woman whom he had taken from Herakleia.' Ibn Kutaiba (d. 899) says that he carried off the daughter of the patrician and took her for himself.

¹⁷⁰ Mich. : 'Aaron gave him all the tents in which he was sitting, and their decorations.'

¹⁷¹ See p. 738, note 90.

¹⁷² Theoph. : ἐστοίχησαν . . . τὰ παραληφθέντα κἀστρα μὴ κτισθῆναι.

¹⁷³ 17 Nov. 806 to 5, Nov. 807.

pass against him and slew him two days' march from Tarsos with fifty men, and the rest escaped.

And in it Al Rashid appointed Harthama the son of A'yan to command the summer-raid and assigned him 80,000 of the army of Khurasan, and with him was Masrur the slave in charge of the finances and everything except the military command. And Al Rashid went to the pass of Adata, and posted 'Abd Allah the son of Malik there; and he posted Sa'id the son of Salm the son of Kutaiba at Mar'ash. And the Romans came against it and met some of the Moslems and retreated; and Sa'id the son of Salm stayed there and sent Mahomet the son of Yazid the son of Mazyad to Tarsos. And Al Rashid stayed at the pass of Adata three days of Ramadhan [July 11-19] and then returned to Al Rakka.

And after this year the Moslems made no summer-raid till the year 215 [880].

Kitab Al 'Uyun. And in the year 191 Yazid the son of Makhlad went on a raid with a Moslem force, and a large number of the Moslems were slain, and he was slain with them. And Al Rashid set out to avenge his blood and encamped at Dair Khirmanil; and he divided the forces and sent Mahomet the son of Yazid to Tarsos and sent Harthama the son of A'yan with a large force to go into the land of the Romans to meet Nikephoros; and with him were the men of Khurasan. And he met Nikephoros and fought him from early morning till the sun declined. Then God Most High granted victory to the Moslems and routed Nikephoros. Then Harthama returned; and the Moslems with him had suffered great distress from hunger and lack of sustenance. And Al Rashid sent 'Abd Allah the son of Malik, and sent with him provisions and clothes; and he met Harthama the son of A'yan and those with him.

A.H. 192.¹⁷⁴ *Al Tabari.* And in it was the ransoming between the Moslems and the Romans through Thabit the son of Nasr the son of Malik.¹⁷⁵

And in it Thabit the son of Nasr the son of Malik became wali of the frontier; and he made a raid and took a subterranean granary.

And in it was the ransoming in Podandos.¹⁷⁶

A.H. 194.¹⁷⁷ *Ibn Wadhah.* Al Hasan the son of Mus'ab conducted the raid as deputy of Thabit the son of Nasr.

A.H. 195.¹⁷⁸ *Ibn Wadhah.* Thabit the son of Nasr, the Khuza'i, conducted the raid.

A.H. 196.¹⁷⁹ *Ibn Wadhah.* Thabit the son of Nasr conducted the raid.¹⁸⁰

A.H. 197.¹⁸¹ *Ibn Wadhah.* Thabit the son of Nasr conducted the raid.

(To be continued.)

¹⁷⁴ 6 Nov. 807 to 24 Oct. 808.

¹⁷⁵ Ibn Al Athir adds: 'the Khuza'i, and the number of Moslem prisoners was 2,500 prisoners.'

¹⁷⁶ This is perhaps different from the ransoming recorded above: Al Mas'udi (*Tanbih*, p. 190) says the ransoming of this year was at Lamos.

¹⁷⁷ 15 Oct. 809 to 3 Oct. 810.

¹⁷⁸ 4 Oct. 810 to 22 Sept. 811.

¹⁷⁹ 23 Sept. 811 to 11 Sept. 812.

¹⁸⁰ The Arabic writer omits to state that he was utterly routed.

¹⁸¹ 12 Sept. 812 to 31 Aug. 813.

Theoph.
A.M. 6303 (?)

Theoph.
A.M. 6304

NOTES ON THE ANGLO-SAXON CHRONICLE.

I. *The Value of Codex A.*

IN Mr. Plummer's work of which the second volume has lately appeared we have at last a scientific edition of the Anglo-Saxon Chronicle, full of admirable teaching and suggestiveness in its notes and *apparatus criticus*. I myself felt a little troubled, however, that a somewhat elaborate examination of the different texts of the Chronicle which I published some years ago in several numbers of the *Athenaeum* is unnoticed in it. I have no doubt it has escaped Mr. Plummer's attention, as the tendency of all periodicals is to have a somewhat ephemeral life.

The Cottonian MS. Otho B. xi. 2 was burnt in the fire of 1731. It was designated G by Petrie and others, and A by Mr. Earle. To avoid any mistakes I shall retain Petrie's designating letter. Although virtually destroyed some pages of it still remain. Its full text, however, is preserved for us by Wheloc, who followed it very closely. I have examined Wheloc's text, and have also looked through a paper manuscript in Trinity College, Dublin, which, according to notes at the beginning and end, was copied out by William Lambarde, whose name heads the manuscript. The note at the end is as follows: '*Finis 9 Aprilis 1564. W. L. propria manu.* These annals are extant in Sir Robert Cottons librarye at the ende of Bedes historye in ye Saxon tongue.' This note and the orthography of the manuscript prove indisputably that Lambarde's transcript was taken from G. Mr. Plummer does not seem to have collated this paper manuscript, which is most valuable, since it is very carefully copied, and is perhaps the best copy we have of the burnt Cotton MS. He even writes doubtingly as to whether it is at Dublin or not, for he says 'a transcript of this manuscript by Lambarde is said to be among Ussher's collections in Dublin.' There can be no doubt about its being there.

Manuscript G, as Petrie and Thorpe long ago pointed out, contains a clause not present in the manuscript at Corpus Christi College, Cambridge, designated as A. This is under the year 971. '*Her forðferde Eadmund æðeling. 7 his lic lið æt Rumesige.*' Mr. Plummer says it has been erased from A, but the erasure seems quite purposeless.¹ The first clause occurs in B, C, and D, all of which differ entirely in their contents from A from the year 958 to the end of A, except in one piece of poetry. The clause about the Atheling's body lying at Romsey does not occur in B, C, or D, and seems peculiar to G.

Mr. Plummer on p. xxiii says, speaking of the manuscripts A and A or G, that the latter is a transcript of the former. This seems

¹ The erasure of the first clause is mentioned in *Mon. hist. Brit.* i. 394 n. 12.

to me at least doubtful. No doubt they contain substantially the same text, but, as was pointed out long ago by Petrie, the MS. A down to 892, where its first hand stops, is written consistently in the Mercian dialect, and doubtless by a Mercian scribe using 'cuom' for 'com,' 'Walas' for 'Wealas,' 'hiera' for 'hiora,' 'slog' for 'sloh,' 'Miercna' for 'Mercna,'² while manuscript G is not so written, but in a mixed dialect. It also differs from A in omitting the phrase 'Her on þissum geare' immediately after each date, in certain vagaries in its chronology, and in certain differences in the phraseology and omission of words, &c., in which it differs from A and resembles other codices. Mr. Plummer has pointed out the variants with some minuteness.

For these reasons I do not think it quite plain that G is a copy of A, as Mr. Plummer asserts, but, on the contrary, the two seem to me to have had a common mother, with which, with the exception of the clause above referred to dated in 971, they agreed in matter and substance down to the year 1001, when G ends, being written in one hand throughout, and no doubt a scribe's copy.

Let us now turn to A. A is indeed a famous manuscript, for down to a certain date some writers have treated it as if it were the actual mother manuscript of all the codices, and have come to very important conclusions as to when the Chronicle was composed from the evidence of it alone. Now it seems to me that the evidence of the writing in A points very clearly to its having been a scribe's copy. There are only two alternatives: either it was down to a certain point the original copy of the Chronicle, or else it was a scribe's copy taken from some other.

When I wrote my analysis of the different codices many years ago it was still the fashion of some scholars to treat manuscript A as the original text of the mother manuscript of the different copies of the Chronicle. I need not now repeat my arguments against this view. The position I took is sustained by Mr. Plummer in a much more complete and admirable analysis of its text than I had made, and he has shown conclusively that whatever it be it is not what Wanley thought it was, the original autograph of the author. With this I agree most thoroughly, and indeed, after Mr. Plummer's analysis, there is nothing more to be said.

At the next stage of the inquiry, however, I differ *toto caelo* from him. If codex A be not the original autograph of the author, then it must be a scribe's copy. Inasmuch as the text of A is substantially the same as B and C down to 915, and yet it is clear that A was not the mother manuscript of B and C, as Mr. Plummer has himself shown, it is plain that the various handwritings in A down to 915 do not represent the writing of the authors of the various

² *Mon. hist. Brit.* i. pref. p. 75.

paragraphs, but of the scribes who copied out *A* from the common mother, the original autograph. Mr. Plummer says he is inclined to think that from 892 or a little earlier to 1001 the entries were made 'not very long from the events' which they describe, and he quotes my friend Mr. G. F. Warner in support of his view. Now palaeography has become, during the last half-century, a much more exact science than it used to be, and no one in its ranks is more deservedly trusted than Mr. Warner; but I feel sure that the tendency to discriminate the writing of periods very near each other has been carried too far, and that local and personal equations in writing have been sometimes overlooked. I do not think we have materials, nor do I think they ever existed, for discriminating the writing of the tenth century so clearly that we can tell the writing of one decade from that of another. The case before us is a very good example. In regard to various handwritings in codex *A* Mr. Warner assigns the first six to the period 900-930, No. 7 to c. 920, No. 8 to c. 960, No. 10 to c. 1000.

Now on turning to the entries in this codex from the year 892 to the year 923 we shall find that, in consequence of a mistake made by the second scribe, every date in *A* is wrong, being a year behind, and this mistake was afterwards corrected by an interpolator. This is surely conclusive that the entries in question were not contemporary, nor were they entered soon after the events recorded, but were the handiwork of a series of scribes told off to copy a manuscript writing some time after the events occurred, and therefore inexact in their chronology. No set of contemporary scribes would deliberately record current events for a period of thirty-one years a year behind. This is not all; under the years 917 and 918 in *A* we have annals which are not one year but three years wrong, the proper date, as may be seen from the other copies of the Chronicle and Florence of Worcester, being 914 and 915. Again, *A* dates the death of Æthelfled, the lady of the Mercians, in 922, while *D*, Ethelwerd, the Ulster Annals, and the *Annales Cambriae* give 917 or 918. This shows that this part of *A* must have been written a considerable time after the events recorded. With the year 925 the chronology becomes right again, but the annal of 925 was not written before 955, when the handwriting next changes; and it seems very probable indeed, if not certain, that none of the entries from 892 to 955 in *A* can have been made before the latter date at the earliest. I believe they were all written even later. Now both in the years 938 and 987 there was a break in the composition in the mother manuscript of *A*, *B*, and *C*, since at those points these copies, otherwise divergent at this period, are together again. If *A* were an original manuscript, and not a copy, we should assuredly have some break in its writing at one of these years, but nothing of the kind occurs. With the year 962 *A* again

breaks away from B, C, and D, and there is therefore a distinct new departure, but there is no change of writing. This change only takes place in 965. Again, there is no change of writing in \bar{A} at the beginning of 978, where it again breaks away from B, C, and D. From 965 to 1001 the script of \bar{A} is the same. But we have to remark that the scribe of this last section inserts pieces of what is apparently the same poem that had been quoted from by one of his predecessors who wrote more than thirty years before him. This is assuredly a notable fact, a fact we may almost call incredible and impossible if these entries were contemporary instead of being posthumous. Is it likely that a new writer entering an annal in a chronicle should quote parts of a poem which had been partially quoted thirty-six years before? Is it not quite clear that the scribes who wrote the two entries were living at the same time and merely took each other's places? In regard to the entries from 869 to 1001, Mr. Plummer himself suggests that the period is too long for one man to have written them diurnally and contemporaneously.

We still have left for consideration the section of \bar{A} coming down to 892. It will be noted that Mr. Warner does not make this contemporary, and Mr. Earle in his edition says the writing is too mature for such a date, and it is clear that the scribe who wrote it was prepared to go on, since he added the next date, though he did not fill in the next annal. It is remarkable also, as we have seen, that the scribe of this section wrote in a different dialect and was probably a Mercian (both Petrie and Lappenberg agree that the dialect of this portion is Mercian), and his script must be judged by a different standard from the script of Wessex. Thorpe and Earle, it is true, have suggested that the difference is one not of dialect but of an archaic form of the language, but we have no authority for supposing that the archaic speech in Wessex had Mercian characteristics, nor does language change so rapidly (in the absence of direct foreign influence) that we should have two successive scribes, as here, writing in two such different forms of the language as the result merely of the growth and change of the language. Language does not change *per saltum* in this fashion. I should add that Mr. Plummer, who largely deduces an Alfredian origin for the Chronicle, on the strength of the first scribe of \bar{A} ending his work in 892, yet calls this first portion of \bar{A} a copy of a copy.³ This seems to me an argument turned upside down.

A curious additional piece of evidence is presented in the entry by the second scribe in the year 893, where we read 'se micla here þe we gefyrn ymbe spræcon,' *i.e.* 'the great host which we before spoke of.' This, as Mr. Earle says, seems to claim for this isolated portion identity of *authorship* with the annals immediately pre-

³ *Saxon Chron.* ii, intr. pp. cxxii, cxxiii.

ceding⁴—that is, with those in the first script, and it suggests that the change from the first script to the second implies a change of scribe merely and not of authorship. Again, the next script ends abruptly in the middle of a sentence, in the middle, too, of the notice of the year 894. There is no break in the sense, no stop marks the transition, but the sentence is completed and continued in another handwriting. The sentence I refer to reads thus: ‘þa besæt sio fierd hie þær utan þa hwile þe hie þær lengest mete hæfdon. Ac hie hæfdon’ (then in the second handwriting) ‘þa heora stemn ge setenne.’ Here is palpable evidence that the various writings of the manuscript represent so many hands who took up the copier’s pen and not so many authors.

Again, as is well known, manuscripts A, B, and C continue together till the year 915 or 918 according to the perverse chronology of A. Here there is a break, and A separates from B, C, D, and remains separate till 933. This then is a complete gap and fissure, and there must have been a gap in the authorship, but there is no break in the handwriting of A at this point, and not till we get to 924.

These facts are consistent, it seems to me, with one conclusion only—namely, that manuscript A, instead of having been written by a series of contemporary or nearly contemporary writers, as Mr. Plummer suggests, was written by a number of scribes who copied another manuscript, and probably did so at one time—namely, about the year 1001. One of these scribes was a Mercian and the others Wessex men.

Mr. Plummer’s theory seems to me to involve many difficulties, and one of them a very great one. He allows that A is not the mother manuscript, but a copy, and yet he thinks that the copy was made at as many different periods as there are scribes, each writing, and each copying the annals of his own time from some mother manuscript. This duplication of the text as composed is surely quite improbable. The fact is that the arguments as to the age of the Chronicle itself based upon the handwritings of A are quite fallacious. The text of A is also full of blunders and omissions. Mr. Plummer amply admits this. Thus *sub an.* 851 he says, ‘Note also that from this point there are frequent omissions in A, showing that it is a rather careless copy of an older original.’ It is a great pity that Parker edited his *editio princeps* from it, and that it has since had so much prestige; and it is more than a pity that Mr. Plummer should have given it the reputation which he has by printing it. As I ventured to argue long ago, and as has been argued in Germany,⁵

⁴ *Two Parallel Chronicles*, intr. p. xvi 1.

⁵ See Theopold, *Kritische Untersuchungen über die Quellen zur angelsächsischen Geschichte des achten Jahrhunderts*, and Grubitz, *Kritische Untersuchung über die angelsächsischen Annalen bis zum Jahre 893*.

its text is very inferior to that of B and C. Grubitz, among other things, concludes, as I do, that manuscript A is not an original document at all, but a copy of a comparatively late date, and that the script merely testifies to a change of scribes.⁶

If we put aside the arguments based upon the handwriting and its changes in A as criteria of the age of the Chronicle, we shall have to fall back upon another fact which, so far as I know, is the chief fact that remains—namely, the common material in the copies of the Chronicle itself. This common material reported in the same language comes down to 915 (or 918 in the chronology of A), and is the same in A, B, C, and D, except where the latter texts incorporate the northern or Mercian chronicle. This is the first real gap in the text, and it seems clear that the mother manuscript from which these several copies of the Chronicle are derived either came to an end or had a substantial hiatus here. It is possible that 915 was not the actual date of the composition of the Chronicle, and that there may have been an earlier portion of it; but of this we have no information, and the theory that it was composed as we have it in the time of Alfred, to which Mr. Plummer almost passionately clings, is a guess as good or as bad as any other guess. In claiming that the Chronicle as we have it was written in 915, in the reign of Edward the Elder, I do not profess to have more than the bare fact to support me that all the four elder codices are alike down to that date, and that their mother must have ended there. It only supports a probability, but so far as I know it is the only support available for any theory.

In assigning 915 as a tentative date for the Chronicle I mean the Chronicle as written in the vernacular. So far as I can see, Mr. Plummer nowhere considers the question whether the Chronicle was originally composed in the vernacular or not. He seems to take it for granted that it came out of the head of its author in its fully equipped English dress. Now Lappenberg long ago suggested that the Chronicle was originally written not in Anglo-Saxon, but in Latin, and it is a pity that Mr. Plummer, whose learning, ingenuity, and admirable tact as an editor continually astonish one, has not dealt with this problem. Lappenberg, on this subject, says, 'With respect to the origin of these chronicles, the first question to be decided seems to be whether they, like so many other chronicles of other nations written in the language of the country, have not been originally composed by ecclesiastics in the language of the church, and afterwards translated into Anglo-Saxon;' and he goes on to suggest that these annals were also originally composed in the Latin tongue.⁷ If the Anglo-Saxon Chronicle was so composed, it may be that

⁶ *Op. cit.* pp. 6-9. ⁷ *England under the Anglo-Saxon Kings*, Engl. tr. p. xliii.

we shall have to revise our notions about the connexion of the Chronicle with the so-called 'Asser's Annals,' or 'St. Neots Chronicle,' as it is sometimes called, and also as to those portions of the so-called Asser's 'Life of Alfred' which correspond with the Chronicle.

H. H. HOWORTH.

THE LAWS OF BRETEUIL.

PART III. DRAFT OF THE LAWS.

FROM the evidence given in the preceding sections it may not seem unwarrantably ambitious to attempt at this point to reconstruct the clauses of Fitzosbern's laws for Breteuil. The points of likeness between Preston and Hereford, Preston and Verneuil, and the illustrations occasionally offered in other English sources give, I believe, sufficiently firm standing ground. We may conceive it thus:—

Hæc sunt consuetudines Ville de Britolio.

[V. i. signifies the charter in which Henry II granted to Pontorson the customs granted to Verneuil by Henry I, which are there recited in forty-eight paragraphs.¹ V. ii. signifies Henry II's charter to Pontorson, reciting the customs of Verneuil in eleven paragraphs.² Rh. signifies Rhuddlan, Bid. Bideford, P. Preston, Her. Hereford, Haverf. Haverfordwest, and the numbers of paragraphs refer to those given above.]

1. *Reddat quisque pro platea sua vel domo per annum duodecim nummos; et hoc solum reddendo, vendat et emat omnia libere in castello;³ faciat in sua platea si voluerit plures domos, nec ideo redditus crescet.* (V. i. 27.) V. ii. 1 runs—

Quilibet burgensis de Vernolio dat de sua burgencia tantummodo duodecim turonenses ad festum S. Remigii. Si autem habeat plures domos vel plateas, dat pro qualibet duodecim denarios turonenses.

2. Clause giving the size of the original burgage.

Cuique burgensi dantur . . . iii acre terre et unus ortus. (V. i. 43, P. 16, and many other cases.)

3. *Si ex una platea divisa, plures fiant burgenses, quisque per annum duodecim nummos debet; si illa etiam ad unumquemque redeat, illa iterum ad duodecim nummos.* (V. i. 28.)

But in V. ii. 1—

Et si aliquis burgensis vendit aliquam partem burgencie sue et idem remanet burgensis de una parte, ille qui illam partem burgencie emit, non dat census, nisi pro illa parte. (Bid. 1, 5. Cf. Cardiff on dividing the burgage.)

¹ *Ordonnances des Rois de France de la Troisième Race*, iv. 638.

² *Ibid.* p. 643.

³ Developing into the *Merchant Guild clauses*.

4. Si aliquis burgensis voluerit fieri, veniat in curiam et reddet pretori xii d. et capiet burgagium suum de pretore, postea dabit famulo pretoris i d. et ipse testificet eum burgensem in curia fieri. (P. 5. V. i. 84.⁴ Her. 4. Haverf. ii. 8. Bid. 6.)

5. Quod nullus eorum pro aliquo, nisi pro ipso rege, extra castellum suum placitaret. (V. i. 2; cf. ii. 4, which, as printed in the 'Ordonnances,' is incomprehensible. Her. 8. Haverf. ii. 7.)

6. Burgenses nunquam in expeditione vel exercitu coacti nisi cum ipso domino rege, nisi eodem die possint reverti. (P. 48. Cf. V. i. 1.—Fecit illos burgenses Rex Henricus immunes tocuis equitacionis si⁵ ipse in eodem negotio esset et in eodem exercitu.' Haverf. ii. 11, iv. 5. Car-marthen. Laugharne.)

7. Si pretor aliquem velit ducere vi, nunquam burgensem ducet in carcerem, si invenerit plegios. Si autem plegios invenire nequiverit, in carcerem mittatur liberum⁶ et carcere exiet et exierit precio suo. (V. i. 9. Cf. ii. 5, but the meaning is obscure. P. 44. Haverf. i. 8, ii. 7, iv. 6. Laugharne.)

8. A clause making a year and day the period of limitation (P. 7. Haverf. ii. 2.)

9. A clause on the freedom of men who remain a year and day undisturbed in the town. (P. 3. Haverf. ii. 1.)

10. A clause on the rebuilding of a destroyed burgage. (P. 6. Heref. 7. Haverf. iii. 1.)

11. A clause making a small charge for *lods et ventes* on alienation. (P. 30, § 2.)

12. A clause allowing alienation of the burgage. (Cf. V. i. 38, which supposes that the burgess will continue to live in the town.—

Si aliquis domum habeat ibi, domum suam si voluerit, relinquet; ubicunque voluerit in castello manebit in domo alterius et reddat solum redditum sue domus. Bid. 5. Rh. 5. Haverf. ii. 4.)

13. A clause allowing the *retrait lignager*. (P. 30, § 1.)

14. Si autem conqueratur aliquis apud Britolium [Vernolium] de percucione vel verberacione sine sanguinis effusione, si testes habeat se solo purgat, vel dat xii d. Iusticie pro emendacione. (V. ii. 2. P. 40.)

15. Si autem conqueratur aliquis de percucione cum sanguine, de cute rupta vel vulnere facto, iusticie demmonerit [? denunciaverit], se tercia manu purgare tenetur. Et si hoc facere noluerit prepositure (*sic*) pro emendacione iii solidos turonenses. Et vadiabit ius illi qui conquestus per sua arma, scilicet per arcum et sagittas suas, per ense suam, si habu[er]it. Si autem ille de quo questio fit, ense non habet, se solo iurabit quod ense

⁴ 'Quando aliquis recepit plateam vel domum ut inde fiat burgensis, dat vi nummos pretori et unum eius famulo. Et si plures emat, nihil ad Pretorem.' ⁵ ? nisi.

⁶ The note to the *Ordonnances*, iv. 639, explains 'ad custodiam non ad poenam,' free to walk in the prison yard. The Scotch borough of Prestwick offers an analogy. The free burgess may not be locked into prison, but forfeits his freedom if he leaves the prison.

non habebat. Si autem, plaga facta, ad sanandum aliquid constaverit, actor vulneris reddet expensas vulneris sanandi usque ad x s. turonenses ad probacionem eius cui vulnus illatum fuerit. (V. ii. 2. Cf. P. 21.)

16. Si accusat burgensis erga quamlibet et negabit debitum, per suam solam manum; preter erga prelatum, per terciam manum (V. i. 44. Cf. P. 22, § 2.)

17. Et quod in nulla querela nec in aliquo forisfacto est burgensis de Britolio in alia misericordia nisi in misericordia domini xii d., nisi vocatus fuerit ad duellum et duellum sit ei vadiatum, et iudicatum erit, in misericordia lx [?] s. (P. 22, § 8. V. i. 5,⁷ 18.⁸)

18. Si burgensis prepositum vel prepositus burgensem in curia percutiat qui convictus fuerit in misericordia erit de pugno. (P. 37. Her. 6. Cf. V. i. 20 :—Si aliquis in placito coram prelato alium invaserit ex mesleya, lx libras vel pugnum amittere debet.)

19. Si fiat clamor de burgense pro debito quod ipse agnoscat, si nequeat illud solvere, cum domus eius tradatur pro debito, ipse non exiet domum suam usque ad annum et diem elapsam (V. i. 14.)

20. There may have been a clause ordering the demolition of the house for arrears of rent or debt unpaid. (Cf. P. 11.)

21. Burgensis a preposito nullum clamorem in die fori recipiet nisi clamor fiet ab extraneo. (P. 84, V. i. 7. : 'Nec pro Episcopo [Avranches] erga castellum suum placitabunt, donec unus eorum gravetur. Nec in die institutionis⁹ pro Pretore nisi contra extraneum, nec etiam ibunt coram Pretore nisi pro extraneo.')

22. Burgensis non veniet ad pretorem post occasum solis pro aliquo clamore si noluerit nisi clamor fiat ab extraneo. (P. 14. V. i. 26, runs, 'Si Pretor aliquem mandaverit dum ipse est in balneo, non ierit coram ipso, donec cum ipse voluerit exire; vel si prope sedeat ad manducandum, non pro Pretore surget donec post prandium; vel si diminutus fuerit, coram Pretore non ierit donec diminucionem impleverit.')

Equally detailed is a clause of the Soest charter (c. 58) exempting the burgess undressed for his bath from coming until he has bathed and dried himself.¹⁰

23. A clause on the administration of the movables of a dead burgess. (Cf. P. 32, 47. Haverf. i. 2, ii. 8.)

⁷ De discordia et melleia inter burgenses, si sanguis (exierit), ante prelatum cognoscatur, de primo clamore xii nummos. Et si vegetur sanguis, est ibi duellum. Si vero duello cogetur cognoscere delictum ad prelatum centum et novem solidos pro delicto. De discordia et melleia iterum eadem re incipiat, et cognoscat vel cogatur cognoscere lx libras vel pugnum, et hoc idem pro veteri inimicia.

⁸ Dum sedet burgensis in placito coram prelato, quancunque turpitudinem coram [?] for contra] prelatum seu pretorem, seu contra quamlibet, pro ea, ad pretorem duodecim nummos.

⁹ Market-day.

¹⁰ Keutgen's collection, p. 144. Bathing seems to have been at that time more common on the continent than in England. For various examples of baths in medieval towns see G. von Below's *Städtewesen*, p. 61.

24. A clause on free marriage. (P. 23.)

25. A clause limiting the period and perhaps the amount of the lord's credit. (P. 15. Haverf. i. 5, iv. 4. Ruyton, Trim, Laugharne, Carmarthen, Clun, &c.)

26. A detailed clause on the leave to take wood for building purposes and for fuel from the forest of Breteuil. See the elaborate regulations made by the earls of Leicester for the burgesses of Breteuil (Delislé and Le Prévost on Breteuil) and at Preston (Whitaker's 'Richmondshire,' ii. 421, and E. Baines's 'Lancashire' (1893), v. 301, note.)

27. *Et eos fecit immunes per totam terram suam de omnibus consuetudinibus.* (V. i. 4. Bideford, 9. Haverf. iv. 1, etc.)

28. A multure clause, probably claiming the usual French fraction, a sixteenth, for the lord. (V. i. 32, ii. 9. Cf. P. 25. Haverf. iii. 2.)

29. *Quisquis sit burgensis potest facere furnum apud Britolium si voluerit* (V. ii. 10, i. 33. P. 24.)

30. A clause permitting the burgesses to take a small toll from each cartload, pack-horse load, or man's pack-load, for horses, cattle, sheep, or pigs sold in the market by strangers. (V. i. 42.¹¹ P. 20.)

MARY BATESON.

(*To be continued.*)

ELIZABETHAN GLEANINGS.

IV. *Thomas Sackville's Message from Rome.*

Prus IV, though he had serious thoughts of denouncing Elizabeth as an excommunicate heretic and deposed queen, made at least four attempts to secure her conversion. A good deal is generally known about the mission of Vincent Parpaglia in 1560 and the mission of Martinengo in 1561. Something also is easily discoverable about the efforts made by the cardinal of Ferrara in 1562, and they were sanctioned by Pius, though by this time he was no longer hopeful.¹ Then we may learn a little of an episode in which Thomas Sackville was the principal actor. He is the Thomas Sackville who wrote poetry that is admired, and became Lord Buckhurst and earl of Dorset.

In the winter of 1563-4 he was in Rome and was arrested as a spy; but he was soon liberated, and held converse with some illustrious people. In January Cecil was anxious about his fate;

¹¹ 'De unaquaque quadriga de passagio ii d. si ducit vinum, vel sal, vel frumentum: totidem de venditu . . . si ferat pannos de unoquoque troussello, iv d.; de venditu equi ii d., de venditu bovis ii d., de venditu vache i d., de venditu porchi i d., et bidentis obolum. . . .'

¹ Among the Roman transcripts are two letters of 3 Jan. and 15 March 1562 about this negotiation.

Cecil's Italian 'intelligencers' were to find out what had happened. Then from a letter written in February we may gather that Cecil did not know whether Sackville had or had not a commission from the queen.² Then in November Guzman de Silva, the Spanish ambassador in England, had something to tell King Philip about Sackville's proceedings. The pope, so the Spaniard said, had conversed with Sackville, and had assured him that if what was preventing Elizabeth from making dutiful submission was the fear that she would be deposed as illegitimate, or the fear that she would not be allowed to marry whom she pleased, she might set her mind at rest. The ambassador added that Sackville, having journeyed from Rome to Flanders, thence wrote to the queen, who wrote in reply without the knowledge of Cecil or Cecil's friends. Despite this secrecy Silva did not believe that Elizabeth was in earnest. He suspected, and so may we, that she was endeavouring to keep the catholics quiet by the semblance of a confidential correspondence with his holiness.³

Among the Roman transcripts at the Record Office are two which bear upon this story. The first is a curious document signed by Goldwell, bishop of St. Asaph, and others of the English refugees at Rome. It is dated on 19 Jan. 1564 at the English hospital. In effect it is a certificate of respectability given by these refugees in Sackville's favour. Richard Sackville is the queen's cousin, one of her councillors, and a very wealthy man. Thomas is his son and heir apparent. Moreover Thomas is a man of good behaviour and of such pleasant discourse that many of the nobles take great delight in his conversation.⁴

Then there is a paper dated at Rome on 3 May 1564. At its end the writer calls himself 'Vincentius Parpaglia Abbas S. Solutoris Turini.' It sets forth what Thomas Sackville may report to Elizabeth as having been heard by him from the mouth of Pius IV on two different occasions when the pope gave him audience. In the final and attestatory clause Parpaglia states that he was present at these interviews, as well as at others which Sackville had with Cardinals Boromeo and Morone. To be brief, Sackville may say that the pope expressed surprise at Elizabeth's refusal to admit into England the nuncios (first Parpaglia and then Martinengo) who had been sent to her. Pius, however, had been given to understand that two causes had weighed with Elizabeth—first the divorce of her parents, and secondly the alienation of church property.

Ad quæ sua Sanctitas hunc in modum responsum dedit: se non velle ullo modo tantam rationem et curam rerum temporalium et humanarum haberi ut animarum salus impediatur: atque ideo si quando serenissima regina ad unionem ecclesie et obedientiam huius sanctæ sedis

² *Ferrign Calendar*, 1564-5. nos. 109, 113, 159.

³ *Spanish Calendar*, p. 390.

⁴ This document is printed in Brady, *Episcopal Succession*, i. 87.

reverti voluerit, sua Sanctitas pollicetur se paterno affectu et quanto amore desiderari possit eam recepturam ; et illis difficultatibus quas supradixi ⁵ ea remedia adhibituram quae reginae maiestas, parlamentum generale et totius regni consensus indicaverit ad coronam stabiliendam et pacem atque quietem totius populi confirmandam esse aptissima, et in omni quod iustum piumque iudicabitur confirmaturam.

Sackville was to beg Elizabeth to be merciful to the bishops and other catholics in her realm, and was to add that if she publicly or privately sent an envoy to Rome he would be honourably treated, and an endeavour would be made to satisfy all pious and honest demands that he might make.

It would hardly, I think, be too much to say that Elizabeth was once more told that if she would enter the catholic fold she might be as legitimate as the pope could make her, and that there would be no trouble about the spoils of the monasteries. On the other hand, no hint is given of any approval of her prayer book or any compromise in matters of faith or worship.

What seems to be an allusion to this episode occurs in the semi-official answer to Nicholas Sanders which was published in 1573, and is ascribed to the pen of Bartholomew Clerk. Seven years ago, he says, it happened that a noble Englishman was at the court of Rome and had converse with Pius IV. The pope professed his inability to understand how a wise and literate queen could fall away from the faith. He suspected, so he said, that Elizabeth's defection was due to the holy see's condemnation of her mother's marriage, and added that were that so he was prepared to reverse the sentence if his primacy were recognised. Then Clerk, having told this tale, exclaims to Sanders, 'If you doubt me there are extant among us the articles written by the hand of the abbot of S. Salute, and there are extant the letters of Cardinal Morone, in which he strenuously exhorts the nobleman in question earnestly to solicit our queen in this matter.'⁶

It has been suggested that Clerk's nobleman was the earl of Arundel. It has been suggested also that the boast about the existence of articles in Parpaglia's handwriting was untrue.⁷ There can now—so I submit—be little doubt that Sackville was the man whom Clerk had in mind, and the document that has been described above looks as if it were the articles to which Sanders was rhetorically referred.⁸

Parpaglia's signature enables us to identify the abbey of which he was the titular head. Too long he has figured as abbot of San Saluto, San Salute, San Salvatore, Saint Sauveur, St. Saviour's,

⁵ Parpaglia is speaking.

⁶ *Fidelis Servi Subdito Infideli Responsio*, Lond., Jo. Daye, 1573, sig. k. ii.

⁷ Estcourt, *Question of Anglican Orders*, pp. 361, 366.

⁸ In 1573 nine, rather than seven, years would have elapsed since the Sackville episode.

and so forth. Really the abbey was that of SS. Solutore, Avventore ed Ottavio de Sangano at Turin ; it seems to have been suppressed in 1536, and in 1570 its revenues were given to the Jesuits.⁹

F. W. MAITLAND.

THE MARRIAGE OF PRINCE RUPERT.

CERTAIN papers in the possession of Mrs. Deedes of Saltwood Castle, Hythe, Kent, may throw some light on the question of Prince Rupert's supposed marriage with Francesca Bard, Lady Bellamont. The evidence on the subject has, hitherto, stood as follows :—

1. A contemporary rumour that 'prince Rupert, in his last sickness, owned his marriage . . . if so his son is next heir, after him, to the Palsgrave.'¹

2. Francesca's own assertion that she was Rupert's lawful wife.²

3. Francesca's general acceptance in Germany as a morganatic wife.³

4. The title of 'Dudley Rupert' always given to her son.⁴

As regards this point :—

It is worth noting that morganatic marriages, though practically unknown in France and England, were already common in Germany and the Scandinavian countries.⁵ Thus, on the marriage of George, duke of Hanover (brother-in-law of Rupert's sister, Sophie), with Eleonore d'Olbreuse, his children were excluded from succession to the Electorate and dukedom.

On the other hand :—

1. Rupert styled his son Dudley Bard in his will, though he bequeathed to him property entailed on heirs male.⁶

2. Rupert's niece, Elizabeth Charlotte, duchess of Orleans, declared that Francesca had been deceived by a false marriage. Her evidence is not, however, of great value, as she wrote from hearsay, many years after the event, and added to her account certain impossible circumstances.⁷

Since the publication of my 'Life of Prince Rupert,' Mrs. Deedes has informed me that she holds in her possession a paper, purporting to be the marriage certificate of Prince Rupert and Francesca Bard. It is a small strip of paper, yellow, stained and torn, and the writing is in faded ink, in a seventeenth-century hand. It is superscribed :

¹ Dollinger, *Beiträge zur Geschichte der sechs letzten Jahrhunderte*, ii. 238.

² 8th Rep. Hist. MSS. Comm. p. 479 b.

³ See *Briefe der Kurfürstin Sophie an die Raugräfen*, p. 84 ; also *Regencies*, 3, 19 Sept. 1704, Public Record Office.

⁴ See *Briefe der Kurfürstin Sophie*, *passim* ; Add. MS. 28898, fol. 21, British Museum ; 12th Rep. Hist. MSS. Comm., app. iii. ; *Cowper MSS.* ii. 404.

⁵ See *Briefe der Kurfürstin Sophie*, p. 49 ; 9th Rep. Hist. MSS. Comm. app. iii. p. 36 ; *Autobiogr. of Sir J. Bramston* (Camden Soc.), p. 236.

⁶ See *Mémoires de Madame de Motteville*, ed. 1824 (Pettitot), ii. 242.

⁷ See *Wills from Doctors' Commons* (Camden Soc.), p. 142.

⁸ See *Briefe der Prinzessin Elisabeth Charlotte*, ed. Menzel, 1843, p. 86.

'THE MARRIAGE CERTIFICATE OF PRINCE RUPERT WITH LADY BARD.'
The wording is as follows :

July y^e 30th, 1664.

These are to certifie whom it may concerne that Prince Rupert and the lady Frances Bard were lawfully married at Petersham in Surrey by me.

HENRY BIGNELL, *Minister*.

Captain Harcourt, Mrs. Deedes's father, investigated the Petersham register in 1692, without any satisfactory result. Possibly the marriage took place in a private house, and not in the church at all, but later information, furnished by Mr. Oxley, the present vicar, shows that the registers have been kept with great irregularity. The marriages begin in 1574, and end in 1681, but there are long gaps, especially between 1633 and 1659, and the pages between 1659 and 1664 have been cut out. One entry, and one only, dated 1658, is made in a handwriting corresponding to that of the certificate. It is however possible that this was made by Bignell, for, although Petersham had 'no settled minister' between 1657-8,⁸ Henry Bignell seems to have officiated there from 1656 to 1659. Evidently he was a Cromwellian, and that Rupert should have applied to him is strange, but it is of course possible that Bignell had changed his views—political and religious—at the Restoration.

An epitaph on Francesca Bard, found in 'L'Histoire du Peuple de Dieu,' refers to her union with Rupert, and is as follows :—

HIC JACET
ILLUSTRISSIMA DOMINA
FRANCISCA ELOISA
COMITISSA DE BELMONT
E PERILLUSTRI FAMILIA DE BARD
IN ANGLIA NATA
SERENISSIMO PRINCIPI
ROBERTO PALATINO
QUONDAM MATRIMONIO JUNCTA
SED
PIETATE IN DEUM, CHARITATE IN
PAUPERES, CONSTANTIA IN ADVERSIIS,
À ZELO IN RELIGIONEM
CATHOLICAM ILLUSTRIOR
QUAM GENEER & CONNUBIO
QUAE
DUM VIAM IN GALLIAS INQUIRERET
CÆLO MATURA
FINEM
& VITAE & VIAE INVENIT
8 AUG. MDCCVIII
ÆTATIS SUAE 52.

EVA SCOTT.

⁸ See *Church Survey*, Lambeth, vol. i. doc. 7.

Reviews of Books

A History of Scotland from the Roman Occupation. By ANDREW LANG.
Vol. I. (Edinburgh: Blackwood. 1900.)

MR. LANG describes his book as 'the record of the long resistance of the English of Scotland to England, of the long resistance of the Celts of Scotland to the English of Scotland, of the attempts at union, often defeated, much disputed, and finally successful.' But who were the 'English of Scotland'? Mr. Lang and other natives of the Lothians can tell us, but their vision is bounded by the Lothian horizon; for there is no evidence of any racial displacement outside the Lothian counties. There were English colonists, just as there were Norman colonists, and, in great numbers, Danish colonists. But the Anglo-Saxon conquest of Scotland, beyond the Lothians, was not of race but of civilisation. It came through English commerce, and it was fostered by an anglicised court. The victory of the Roman church over the Celtic is important, because the Roman was the Anglican. It was a victory typically Anglo-Saxon, and it soon brought English manners and English speech into Scotland. But the 'Scots out of Aberdeen,' who, according to the English poet, were 'far too keen' at the battle of Bannockburn, can scarcely be described as the 'English of Scotland.' Nor can we agree with Mr. Lang in describing the relations between the lords of the Isles and the crown of Scotland as a 'resistance of the Celts of Scotland to the English of Scotland.' It is an instance, on a large scale, of the desire for local independence, and of the contest between a strong noble and a weak king. It is exactly parallel to the story of the Douglas treachery, with just this difference, that the Islesmen had retained a civilisation and a language which the rest of Scotland was gradually throwing off. The lords of the Isles constantly intermarried with Lowland families, and when it came to a real struggle with England they were always found on the Scottish side. At the Standard, at Bannockburn, and at Flodden, the blood of 'the Celts of Scotland' was freely shed for the cause of 'the English of Scotland,' and nobody has pointed this out so fully and clearly as Mr. Lang has done in the present volume. His adhesion to what, we fear, must be described as the orthodox doctrine on this point is a striking tribute to the influence of Freeman over an avowed opponent.

Racial questions apart, the new history of Scotland will take its place as a really careful survey of the subject. It is more than a contribution

to Scottish historical research, although it has great merit as such a contribution. It is also a statement of recent results, attained by Mr. Lang himself and by other recent students. It is a statement which the reader who is not a professional student will peruse with pleasure and which he may safely trust. The author, whose scholarship has been evidenced in other directions, has enriched his scholarly narrative by his characteristic gifts of bright fancy and delicate humour. His account of the feudal claim and of the war of independence is, on the whole, dispassionate, and quite fair to Edward I, whose admirers must be content to judge his Scottish policy by its results. Mr. Lang has added most to our knowledge, in connexion with the career of the house of Douglas and in relation to the reign of James III. The traditions of the good Lord James and the poetry of Sir Walter have combined to give the Douglas house a place in the affections of the Scottish people which their record, after the conclusion of the war of independence, ill deserves, and the Douglas myth has more than once obscured the real nature of certain actions on the part of the crown. This exposure of the long tale of Douglas treachery should go far to modify the popular verdict. Mr. Lang's defence of James III is particularly directed against the view of Mr. Hume Brown, whose treatment of the reign was the first attempt at a consistent account of it, and the considerations he adduces may fairly be taken to modify his predecessor's verdict. Mr. Lang has chosen to conclude his first volume at the death of Cardinal Beaton in 1546, which he regards as the parting of the ways between France and England. 'With David Beaton slain, and with Knox hurrying forward to assume a power greater than Beaton's, we may say of old catholic Scotland, as said the dying cardinal, "Fie! all is gone."' This seems to us a more appropriate line of demarcation than the death of James V, which is usually chosen. It is not likely that Beaton could have seriously modified the changes which the new religious ideas were bringing, or that he could have saved the French alliance, but his death rendered the old cause finally impossible.

Mr. Lang described, in a *Blackwood* article, some months ago, his method of writing history, and he has not failed to carry it into practice. His theory and practice alike are individual. He does not love 'the grand manner,' nor does he regard the dignity of history as forbidding us to share in the emotions which the events recorded may be supposed to have naturally called forth. The fates which preside over human affairs are not always serious, and Mr. Lang is of opinion that if an event is provocative of mirth then the historian's task is to make us laugh. He has consistently acted on this principle, and, while the effect has been to lighten his work, it sometimes leaves us with the impression that contemporaries did not see things quite in that way. The book shows a true sense of proportion in the selection of topics; but Mr. Lang's love of accuracy has led him to put into the text certain facts that might have found a more suitable place in the learned notes which accompany each chapter. In spite of such an occasional weakness (which, after all, leans to virtue's side) Mr. Lang has given us a great history of Scotland.

ROBERT S. RAIT.

The English Church from its Foundation to the Norman Conquest (597–1066). By WILLIAM HUNT, M.A. ('A History of the English Church.' Edited by the Very Rev. W. R. W. STEPHENS, B.D., and the Rev. W. HUNT, M.A. Vol. I.) (London: Macmillan & Co. 1899.)

A COMPLETE history of the English church has long been needed—something on the scale of Collier, with his learning and fulness, but brought up to date and modern research. It were well if such a work could be done by one man, but in default of that a sectional history is the best that can be expected. Much must depend upon adequate proportion and scale being observed in passing from one section to another. To each chapter of Mr. Hunt's work is appended a bibliography: the help will be most useful to many, but while that in the present volume is useful a little more would have made it complete. In chapter ii. a reference might have been made to the late Sir J. R. Seeley's text of the life of Gregory the Great, printed after Paul Ewald in this Review (iii. 295), which is slightly fuller than that given by Mr. Plummer; for the conversion of Wessex a reference might have been added to a paper in vol. vii. (p. 437) by Canon T. S. Holmes; a reference to Dr. Guest's works would have been useful, especially if accompanied by a discrimination between the value of his English and Welsh researches. The hints given (*e.g.* those on Asser and early monasticism), if brief, are for the most part excellent. It is impossible not to regret the lack of notes and references; the insight gained by the use of those in the works, say, of Freeman is invaluable. The addition of references on p. 19 (about Gregory and Eulogius) and on p. 249 ('a contemporary document') would, for instance, have been a guide to students: references add greatly to the teaching power of a book like the present, and admit of its being easily checked and added to as knowledge grows. When a book is not worth preserving for many years it matters little, but when it is we must regret that foot-notes and references should not render it capable of being so preserved with full advantage.

There are a few leading questions—such as the British and Scottish churches, and the relations between England and Rome—upon which a great deal turns. To the British church, says Mr. Hunt, the English church owed nothing. In the main we agree with him, but there is much that is worth discussing and most interesting in Welsh Christianity. For the sake of completeness—and with a view to its later absorption in the more vigorous body—a fuller treatment of it would have been desirable, while insisting upon the accuracy of Mr. Hunt's position. We also agree with Mr. Hunt in his discussion of the respective claims upon our gratitude of the Scottish and the Italian missionaries; there is a tendency to minimise the work of Augustine, and the caution (p. 73) is well worth giving. In some respects the book is not only better than any of its predecessors, but excellent in itself; the full treatment of architecture, literature, and general matters (such as monastic details, election of bishops, and so forth) is very welcome, and much useful information is carefully selected and conveyed. It is in these matters, including liturgical points, that an adequate history was needed, and it would be hard to fix any one of them in which Mr. Hunt's work is defective, although here and there (as in the account of the Benedictine

rule) greater fullness would have produced greater clearness for the general reader. In most matters of controversy the writer's historic feeling and judgment are sound, but here and there occur singular passages where the reader may well feel confused; such as the discussion of the place of the king in English Christianity (pp. 46-7), leading to the conclusion that 'from the conversion of Æthelbert on to the present day the English church has always been an established church.' There is really no insular peculiarity in the position of the king, which could be easily paralleled from numberless sources, such as Henry II in Germany, Lewis IX in France, Charles V and Philip II in Spain. Another instance is the regret expressed 'that Augustine did not give the English church a vernacular liturgy' (p. 29). Freeman's similar regret¹ is accompanied by a fuller explanation why it need not arise.

Where a writer has to cover so much ground and to pass rapidly over so many fields it is impossible not to make some general statements to which exception might be taken, such, for instance, as on p. 223, 'the epistle and gospel only being read in English,' implying that they were so read. In the case of the early missionaries this was probably not the case (cf. Plummer's 'Bede,' ii. 257); the later so-called 'canon' of Ælfric refers to a vernacular explanation of the gospel, not the reading of the actual text. But in a work of this kind general correctness of view is the most important matter, and little fault can be found in this direction. The main difficulty Mr. Hunt has had to face was that much of the ground has already been covered, and covered by masters. He has not been content merely to follow them, but by widening the outlook has given in one book much that could previously only be found in three or four; his accuracy and judgment can also be trusted. If we are not mistaken the old enthusiasm for the pre-Norman period has somewhat died out. Mr. Hunt's successors may therefore find more willing audiences, but it will be well if they maintain his standard.

J. P. WHITNEY.

Die Genesis der byzantinischen Themenverfassung. Von H. GELZER.
(Leipzig: Teubner. 1899.)

THIS thoroughgoing investigation, well worthy of Professor Gelzer's high reputation, supersedes previous studies on the origin of the Byzantine Themes, and follows the history of changes in the provincial administration down to the middle of the ninth century. The learned author promises to deal with the changes wrought by Leo VI, and pursue the subsequent history of the themes down to the time of the Comneni, in a second essay. The main conclusions of Professor Gelzer will command general acceptance. By the use he has made of the 'Acts of St. Demetrius' and of Ibn Khordādbēh's 'Kitāb al-Masālik wa 'l-Mamālik,'—sources which had been strangely neglected—he has been able to fix the development of the theme-organisation more definitely and to correct many mistaken views. His discussion also throws light on other matters—military organisation, the navy, the Slavonic invasions; and contains some valuable incidental contributions to history. For instance, he points out that the demand of the leaders of the Asiatic troops in A.D. 669 for parliamentary status (μετὰ τῆς συγκλήτου) at Constantinople, which was refused and punished then

¹ *Norman Conquest*, i. 32.

by Constantine IV, must have been granted before A.D. 687, for we find the heads of all the great military commands (European as well as Asiatic) present at the Silentium which Justinian II held in that year.

Professor Gelzer shows that the ordinary view according to which Hellas formed a separate theme (*στρατηγίς*) in the eighth century is erroneous. It certainly was not an independent theme in A.D. 687; and the circumstance that in the revolt of A.D. 727 Agallianos, the leader of the Helladikoi, was turmarch, not *στρατηγός*, indicates that Hellas was then not a separate province, but part of a larger administrative division. Professor Gelzer thinks that the Helladic theme was not founded till the ninth century, in the reign of Michael III, at the same time as the theme of Peloponnesus. In the Theme-list of Ibn Khordādbēh,¹ which represents the organisation as it existed under Michael II and Theophilus, there is no mention of Hellas. The inference of Professor Gelzer is that Hellas then formed part of the theme of Macedonia, which is mentioned by Ibn Khordādbēh. The earliest notice of a *stratēgos* of Macedonia refers to A.D. 818, but Professor Gelzer suggests that it was separated from Thrace in the reign of Constantine and Irene (p. 91). It would follow that under Leo III, Constantine V, and Leo IV, Hellas formed part of the theme of Thrace; Agallianos in A.D. 727 would have been a subordinate of the *stratēgos* of Thrace, whose authority embraced all the territory of the East Romans in the Illyrian peninsula, *nachdem man den grösstenteils in partibus fungierenden Praefectus praetorio Illyrici definitiv zu den Toten gelegt hatte* (p. 90). In considering this new view of the administrative history of Greece in the eighth and ninth centuries, we should bear in mind two things. The Praetorian prefect of Illyricum was not definitely abolished in the reign of Leo III, for he still existed, if only as local governor of Thessalonica, in A.D. 796, as we know from a letter of Theodore Studites, who was banished thither in that year.² Secondly, we cannot build with perfect certainty on the list of Ibn Khordādbēh; we cannot be quite sure that his enumeration of the European themes is complete. The fact that he omits to mention the naval themes is sufficient to make us cautious. I do not mean to say that Professor Gelzer may not be right; I wish only to emphasise the uncertainties. It is, I think, possible that there were two stages in the formation of the Greek themes: (1) Hellas, including the Peloponnesus; (2) separation of Peloponnesus under Michael III.

Ibn Khordādbēh divides the fourteen themes which he describes into two classes, according as they are transmarine (European) or cismarine (Asiatic) from his point of view. This natural classification corresponds to that of Constantine's treatise *On the Themes*. But it was not the official classification, which we know from the valuable *Klétorologion* of Philotheos (of the beginning of the tenth century, preserved in c. 52 of the 'De Cerimoniis'). Officially the themes were divided into eastern and western, but the line was not drawn at the Bosphorus. Thrace and Macedonia were counted among the eastern themes.³ Rambaud's remarks on the subject⁴ give no sufficient explanation. It seems to me

¹ Written c. 840-5 A.D.

² *Epist.* i. 3, p. 917, ed. Migne.

³ τοῖς ἀνατολικοῖς θέμασιν ἀριθμοῦνται [? < συν > ἀριθμοῦνται], p. 714.

⁴ *L'Empire grec*, p. 179.

that this classification was ultimately derived from the Constantinian system under which Thrace belonged to the Oriens, and the Vicar of Thrace was subject to the Praefectus praetorio Orientis. It was quite natural that this division should have been handed on to the thematic system, especially if we consider that in the second half of the seventh century the Prefecture of Illyricum, a survival of the old system, lay interposed between the two great military provinces of the West (Italy and Africa) and the great military provinces of the East. It would have been unnatural to associate Thrace with Italy and Africa, and not with the divisions of Asia Minor. If Professor Gelzer is right in contending that the theme of Thrace was extended to include Macedonia in the eighth century, then it is easy to understand how, when Macedonia was separated and erected into an independent theme, it could continue to be classified among the eastern themes along with Thrace, from which it had been severed. On the other hand, when the Greek themes were, at a later date, severed from Macedonia, they were transferred to the list of the western themes.

Another difficulty in the register of Philotheos is that he enumerates the three naval themes (Samos and the Cibyrrhaeot, as well as the Aegean Sea) as western. This, I think, can only be explained if we suppose that the original naval theme, known as the Carabisian, from which the three later themes arose by two successive divisions, was counted among the western military commands, along with Italy and Africa. This supposition seems to me to be confirmed by the passage bearing on the subject in the Act of the Silentium of A.D. 687 (Mansi, xi. 737). In that document the four eastern (including the Thracian) *exercitus* are mentioned first; then *Italiae exercitus*; then the *Carabisiani* (according to Diehl's brilliant emendation); then the African *exercitus*. The position of the Carabisians between Italy and Africa in this official document appears to me to accord remarkably with the inclusion of the three naval themes among the western themes in the Klêtorologion of Philotheos.

I must add that Professor Gelzer has some valuable pages on the suburbicarian province, known as the Theme of the Ditch or of the Wall (*τῆς Τάφρου, τοῦ Τείχους* or *Τειχίου*, or *τῶν μακρῶν τευχῶν*), and that he has made some noteworthy contributions to the interpretation of the *ὑπόθεσις τῶν βασιλικῶν ταξιδίων* contained in the Appendix to Book i of the 'Ceremonies' of Constantine Porphyrogennêtos. J. B. BURY.

Calendar of Documents preserved in France illustrative of the History of Great Britain and Ireland. Vol. I. A.D. 918-1206. Edited by J. HORACE ROUND, M.A. (London: Her Majesty's Stationery Office. 1899.)

THE work of calendaring the medieval stores of the Record Office is being done with a system and thoroughness which make it cause of congratulation that the pioneer labours of the old Record Commission were carried no further. It is particularly fortunate that the commissioners left in manuscript the collection of transcripts of documents in foreign archives throwing light upon English history which they had had made with a view to a supplement and continuation of Rymer's

'Foedera.' Some 1,400 of the documents transcribed in France belonged to the eleventh and twelfth centuries, and though the palaeographical part of the work was competently done by MM. Deville and Léchaudé d'Anisy, Anglo-Norman history and diplomatic had by no means reached a stage where a satisfactory handling of charters the majority of which are dateless could be expected. They have found their ideal editor in Mr. Round. He was not likely to rely solely upon transcripts when originals and cartularies were accessible. Their collation, however, was attended with more difficulty and labour than ought to be necessary in the case of documents nearly all of which are in public repositories. Not only must the originals be for the most part consulted in the departmental archives, while a large number of the cartularies are deposited in the Bibliothèque Nationale, but the incomplete cataloguing of both the central and provincial collections rendered a good deal of material absolutely inaccessible. In spite of these obstacles the editor has checked the transcribers' work in a considerable proportion of cases, included a number of charters they had overlooked, and drawn upon several collections outside Normandy which did not come within their commission. He takes care whenever possible to complete an abbreviated list of witnesses, for no one is more alive to the value of every scrap of internal evidence in establishing the date of documents which are seldom provided with a direct indication of time. It is in this extraction of a date from a charter or a series of charters connected either by subject or by coincidence of witnesses that the fascination of their study chiefly lies. Their date once ascertained, they often throw some new light upon the history of the time. A good illustration of Mr. Round's skill in this branch of diplomatic is supplied by no. 34, which by a comparison with four other charters all, like itself, undated is proved to be not later than 1175, a conclusion which at once puts the first mention of a mayor and commune of Rouen two years earlier than has hitherto been supposed. In only one or two cases can we venture to suggest a correction of the dates to which documents are assigned. No. 98 belongs to 1148, not 1147, as is shown by no. 99. Four charters of Henry I to St. Evroul (nos. 626, 627, 629, 630) are dated 1124-1135, but the appearance of Nigel de Albini among the witnesses supplies an inferior limit five years earlier. The Pipe Roll of 1130 shows that he had died and been succeeded by his son Roger de Mowbray by that year. As this Roger did not die until about 1188, a charter of his son Nigel to the abbey of St. André-en-Gouffern (no. 599), which implies that the grantee's father was dead, should not be dated *circ.* 1170. Another charter of Nigel (no. 649) which has two witnesses in common with that just mentioned is more correctly assigned by Mr. Round to 1187-1190. The general arrangement of the charters in this volume is under the religious houses in favour of which they were, with few exceptions, granted, and these in turn are classed under the modern departments in Normandy, where of course they are most numerous, and under the ancient provinces elsewhere. The subject in which they add most directly to our knowledge is naturally the English endowments of these foreign houses, and the origin of the alien priories of which Gough could give so meagre an account. They supply an account of the foundation of some of the minor priories—Spurle Priory, Norfolk, for instance—hitherto entirely lacking.

Much light is thrown on the early history of St. Dogmaels and other Norman foundations in South Wales.

Incidentally these grants of Anglo-Norman kings and feudatories provide a rich mine for the student of English history. From one charter of St. Peter's, Ghent, we learn that Dunstan governed that monastery during his exile there, and from another some interesting details on Edward the Confessor's life in Normandy. The lighter side of things is represented by a curious story of William the Conqueror (no. 1170). Four years before the conquest of England he was dining at La Hogue de Boiville, when a monk of Marmoutier begged for a grant to his abbey, which the duke at once conceded, threatening to spit Hugh the Forester, who raised objections, *de una espalla porci*. There is scarcely an aspect of Norman England on which some valuable information will not be gleaned from these documents. The genealogist is enabled to clear up difficulties in the pedigree of the Bohuns and other great Norman families. The investigator of municipal origins will get some hints about the Norman *bourg* in England and an account of the origin of the *communes* of Eu and Evreux. Domesday Book is illustrated *inter alia* by actual grants of beneficial hidation (nos. 472, 876). William Fitz-Osbern is called *comes palatii* (no. 77). A hitherto unknown tenure of the honour of Holderness by Arnulf of Montgomery during the later years of Rufus is revealed (nos. 667, 1286). For the history of the Angevin reigns the collection is no less valuable. The correction of Richard I's itinerary in Palestine by no. 909 strikingly illustrates the unexpected information that charters often yield. For the elucidation of those here collected Mr. Round has already done much in his preface, in a paper on the interesting series of Sussex charters they contain contributed to vol. xlii. of the 'Sussex Archæological Society's Collections,' and in his full 'Index Rerum.'

The general index of names and places fills 181 pages, and must have involved enormous labour. The identification of many obscure place-names could only have been effected by an expert, and the number of errors is small. The editor's general principle is to give the county in the case of English names, the department for those in France. In a few cases (*e.g.* Fougères and Bourgueil) this has not been done, while, on the contrary, [St. James de] Beuvron is assigned to two different departments on the same page (555). Myrmande (*i.e.* Marmande, on the Garonne) is not identified at all. The Kirkby which, with its church, Robert de Rhuddlan gave to St. Evroul (no. 682) is wrongly assigned to Leicestershire, and no attempt is made to identify 'the church of the isle,' which was part of the same gift. The former is, of course, West Kirkby in Wirral, and the isle is the neighbouring Hilbree Island. No. 640, in which the earl of Chester confirmed the transference of Kirkby to the abbey of St. Werburg, ought to have suggested the correct identification. The 'castle' in Holderness (no. 667), tentatively identified in the 'Index with Skipsea Castle, is said in the preface (p. xli) to be probably one at Aldbrough. The Wennescoit of no. 1046 is rightly assigned to Monmouthshire, but the correct Welsh form, Gwent-ys-Coed, should have been given. The W. Hosatis of no. 154 should probably be *Walter Hosatus*, not *William*.

JAMES TAIT.

Etudes sur quelques Manuscrits de Rome et de Paris. Par A. LUCHAIRE.
(Bibliothèque de la Faculté des Lettres. VII.) (Paris: Alcan. 1899.)

A SEARCH among the manuscripts of Queen Christina of Sweden in the Vatican library has resulted in the discovery of several of the originals of works whose contents have been made known by Mabillon, Duchesne, and others. In several cases these originals were supposed to be lost, a mistake due, no doubt, to the poverty of the catalogue of this collection. The manuscripts dealt with by M. Luchaire were for the most part written in the abbey of St. Victor, and belong to the twelfth century; they have formed part of Alexandre Petau's collection, which passed into the hands of the queen of Sweden. Short notes are given on the 'De Consecratione Ecclesie S. Dionysii,' written by Abbot Suger of St. Denis, 1140; on the 'Chronicon Morigniacensis Monasterii;' on the fragment of history of Avignon attributed to Foulque le Réchin; on annals by a monk of Jumièges; on the original cartulary of St. Vincent de Laon, a copy of which alone was known; and on a collection of documents relating to Soissons, which contains an interesting agreement between the bishop of Soissons and the mayor and *échevins* of that town, giving a full account of the relations of municipal and episcopal jurisdiction, dated 1225. The 'Miracula S. Dionysii' are analysed in some detail, from the Vatican, Rheims, and Paris manuscripts; they are closely connected with the ninth-century 'Gesta Dagoberti,' of which another copy is in the queen's collection. Lastly there are some collections of letters from the abbey of St. Victor, which form the bulk of the essay. A Vatican manuscript offers the original from which Duchesne printed the correspondence of Louis VII, and a comparison of the printed copy with the original establishes the substantial accuracy of his edition. Two Paris manuscripts which have been but little used make an important contribution to the historical letters of the twelfth century. Among these several are of interest to English readers—for instance, one from Lawrence, abbot of Westminster, to the abbot of St. Victor, recommending his nephew John; one from a canon of St. Augustine's, Bristol; one from William, bishop of Norwich (1146–1174), to Alexander III on the sanctity of Gilbert Sempringham, and one to Gilbert himself, which are unfortunately only summarised. There can be no doubt (as is suggested in the index) that these two letters concern the founder of the order. Several letters of Alexander III to English bishops, not noted in Jaffé-Loewenfeld, are briefly calendared.

MARY BATESON.

The Pontefract Chartulary. Vol. I. By RICHARD HOLMES.
(Yorkshire Archæological Society. Record Series, vol. xxv. 1899.)

IT would be difficult, within the compass of a review, to give the reader an idea of the learning and the local knowledge lavished upon this volume. But, as our medieval chartularies are at length receiving the attention they deserve, it is desirable to insist on the unequal treatment they receive and to praise as they deserve those on which a competent editor has bestowed labour without stint. The Cluniac priory of St. John's, Pontefract, was the family foundation of the northern Lacys, lords of the honour of which Pontefract was the head. Its actual founder was

Robert de Lacy, under William Rufus, his father, Ilbert, having founded no house of his own. The curiously chequered fortunes of the Lacys and the broken descent of their honour are reflected, naturally, in the priory's charters and discussed in great detail by the editor. It cannot be too often repeated that there are no more fertile sources of error in medieval genealogy than the monastic *stemma* or *historia foundationis*; and one is not surprised to learn that the Pontefract monks themselves were, as usual, hopelessly confused on the early descent of their patrons, or that the Kirkstall version of it is quite wildly erroneous. Early genealogy and heraldry are points on which Mr. Holmes is specially strong, and, although he claims with justice that the chartulary adds much to our knowledge of 'Yorkshire seigniorial history,' its chief interest, in this respect, for English historical students will be found in the evidence it affords that 'the extinction of the old possessors by the Normans was not so sudden or so entire as is sometimes alleged,' in the district with which it deals. It has, indeed, been known that, in the north, thegns and drengs lingered on, but here we learn definitely that

among the chief Saxon proprietors had been Ailric, his son Swain, Gamel, Ligulf, Gerneber, and Barst, and each was allowed to retain something, even if he found his wealth considerably diminished, and if his removal from his former hereditary holding was involved.

Particularly striking is the case of Æthelric ('Ailric'), whose pedigree, given in tabular form and based throughout on charters, traces the descendants of his four sons, Jordan, Rainald, Roger, and Walter. It is the peculiar richness of this chartulary in the names of witnesses that has enabled such elaborate pedigrees as this to be constructed.

The manuscript itself is now in the possession of Mr. Wentworth of Woolley Park, and adds largely to the knowledge of its contents derived hitherto from the 'Monasticon' and from the Lansdowne and Dodsworth MSS. Mr. Holmes explains very clearly the method in which he has dealt with it; each *fasciculus* has been treated separately, and from each he has extracted what he deems its original contents, namely, the charters previous, roughly, to the middle of the thirteenth century. It has been his aim to 'give the chartulary as it would have appeared when completed, and before any addition was made to it by later cartographers (*sic*), or, as he elsewhere expresses it, 'as it existed in the second half of the thirteenth century, and as it left the hands of the original cartographers' (*sic*). This odd use of the word 'cartographer' is found, one may add, throughout. There is one important point of genealogy, in connexion with the honour of Pontefract, which I think Mr. Holmes might reconsider, as he will have to refer to it again in his second volume. He asserted (p. xx) that William de Roumare (earl of Lincoln) 'left a daughter, Avis, married to Gilbert de Gaunt, who, in 1153, succeeded in her right to the earldom of Lincoln and to her father's claims on the Pontefract estates.' But in his tabular pedigree he calls her 'Avicia or Rohais.' This lady's parentage was long a problem, but she is now considered to have been a daughter of Richard (FitzGilbert) de Clare.¹ One feature of this volume to which general attention should be drawn is the valuable list of York

¹ *Arch. Journ.* li. 45-6.

dignitaries (pp. 53-8) constructed by the editor. One can only regret that so important a contribution to early Yorkshire history is provided with a very inadequate index. It appears, while indexing some of the names, to omit the bulk of them, while Eudo, chaplain of Pontefract, who occurs on several pages, is indexed only as on two.

J. H. ROUND.

Genua und die Mächte am Mittel Meer. 1257-1811. Von GEORG CARO. Zweiter Band. (Halle: Niemeyer. 1899.)

Les Origines de la Domination Française à Gènes. (1892-1401.) Par EUGÈNE JARRY. (Paris: Alphonse Picard. 1896.)

THE first volume of Herr Caro's study in the history of Genoa was reviewed in the ENGLISH HISTORICAL REVIEW for April 1897. The second volume brings the work to a close, following with minutest care the history of Genoa through the final struggle with Pisa and the opening conflict with Venice, which closed victoriously for Genoa, at Lajazzo and Curzola. The internal history of the period centres round the rise and the fall of the Ghibelline double captaincy, to which the Genoese ascribed their successes. During this period Genoa reached her apogee. The victory of Meloria secured her supremacy upon the western coast of Italy, where the Catalans had not yet appeared. What followed Meloria, the relations of Genoa to Pisa and the part played by Count Ugolino, is admirably and lucidly set forth. But the victory of Meloria soon brought Genoa face to face with the other great sea power, Venice. The battle of Lajazzo, which closed the first campaign, is of the highest interest from the point of view of tactics. The Genoese were drawn up on a lee shore. Their ships were firmly lashed together, with bows to the enemy. The Venetians had the weather gauge; but seeing that galleys cleared for action have their yards lowered and their sails furled, they easily lost their steerage way, and some of them, slewing round, came broadside on to the enemy's solid formation, and acted as a kind of collision-mat preventing the other Venetians from ramming. The result was a complete defeat. The battle of Lajazzo following on the top of Meloria brought Genoa to the height of her power. Her pride was expressed in a kind of contemporary ballad:

E tanti sun li Zenoexi
e per lo mondo si distexi
che unde li van o stan
un' altra Zenoa ge fan.

But Lajazzo also brought the question of supremacy to a burning point; Venice could not sit down under the defeat. As Herr Caro says *ein lebhaftes kriegerisches Treiben herrschte . . . in den beiden feindlichen Städten*. The next campaign ended in the battle of Curzola and a second and more crushing defeat for Venice.

It might have been supposed that this would have been decisive for the question of maritime supremacy; but here the essential difference between the two city-states made itself apparent. Venice in her lagoons was not threatened by mainland neighbours; she had as yet no mainland frontier to defend or to extend; and, more important still, she was slowly develop-

ing a firm constitution, unshaken by those incessant broils entailed upon other Italian cities by the dualism of the feudal system, which had never touched her. Therefore, while Genoa was in the throes of an endless and exhausting internal struggle, Venice was able to recuperate after each defeat until she was finally victorious at Chioggia.

Where Herr Caro leaves off M. Jarry takes up the thread of Genoese history, and carries the narrative through the long struggles which led to the establishment of the French domination by means of De Coucy, Saint-Pol, Bourleux, Colart de Calleville, and Boucicaut. The two works taken together form a consecutive history of Genoa for a century and a half. Perhaps of all the Italian communes Genoa offers the most confused and complicated history; and, as Herr Caro pointed out in the preface to his first volume, there is a danger lest the study of a single Italian commune during a comparatively restricted period should end in excessive specialisation and a loss of perspective. Though it would be impossible to surpass the minute analysis displayed by both these writers the danger is avoided in the one case by directing attention to the wider question of the balance of sea power in the Mediterranean, in the other by a continual reference to the policy of the French court. M. Jarry publishes as an appendix forty-seven documents, of which thirty-five are inedited. By far the most interesting are the minutes of the various meetings which Antoniotto Adorno held in order to sound public opinion before making a formal surrender of the city to Charles, and the curious fragment called 'Anonimi Somnium,' setting forth the praises and claims of Gian Galeazzo Visconti. Perhaps the most valuable chapters are those which deal with De Coucy's administration and the endless shifts of Antoniotto Adorno until the final surrender is reached. Due importance is attached to the influence of the Visconti policy in the background. It may, however, be doubted whether the surrender of Genoa by the Genoese themselves was as novel or as striking an event as M. Jarry, in his admiration for monarchical institutions, desires to think.

Le recours à la monarchie française présente le caractère très particulier d'avoir obtenu la sanction réfléchie des suffrages populaires. L'occupation de Gênes n'a donc rien de commun avec les acquisitions si nombreuses ayant pour base la conquête ou l'investiture du pape ou d'un souverain dans un but de politique internationale et sans consultation officielle de l'opinion ou des affections du peuple cédé. Ici c'est une république qui demande à la monarchie ses propriétés d'union et de force : spectacle nouveau, sinon pour Gênes du moins pour la France du xiv^e siècle.

But was the surrender anything other than a surrender to an ultramontane, non-Italian podestà? The effort at self-government had simply accentuated the schism between the hostile factions in the state. Discord had become endemic. A hundred years of internal struggle between Guelph and Ghibelline, a century of external struggle with Pisa and Venice for supremacy in the Mediterranean, ending with the disaster of Chioggia in 1380, left Genoa quite broken, incapable of cohesion. The doge, Adorno, was right when he said of himself, as reported—

Iam sunt menses xxv vel circa, quod nobis [i.e. to the Genoese] dare voluit pacem, sed non potuit. Opportent tria: aut quod inveniamus pecuniam, quod

suo iudicio fieri non potest; vel quod nos uniamur simul, quod eiam fieri non potest; vel quod nos associemus alicui domino.¹

There was nothing for it but to surrender to a strong outsider. Visconti and France were ready to accept, and Genoa yielded herself to the latter not from fear of Visconti and not from any love of monarchical institutions, but because France as the more distant power gave the better promise of being able to confer peace with freedom.

HORATIO F. BROWN.

Bruges: an Historical Sketch. By W. C. ROBINSON. (Bruges: Louis de Plancke. 1899.)

THIS little sketch of the history of Bruges, by an English resident, will doubtless be found useful by others living or visiting there. It is a painstaking account, laying special stress on the relations of Bruges with England and Scotland, and it is based upon sources some of which are difficult of access and others still inaccessible. It covers, however, too many subjects in too small a space to be of much value to the historian, who must turn rather to the abundant records cited in the introduction. On the other hand, though the theme is one admirably adapted to the picturesque and graphic treatment which those who have no scientific interests to satisfy naturally look for in their general historical reading, charm of style is conspicuously lacking, and the narrative fails to hold the reader's attention. An outline history is greatly helped if in the marginal analysis dates are inserted; here the dates are few and far between, and the sequence of events is easily lost. Likewise the absence of maps and illustrations, almost a necessity in a book of this kind, is regrettable, the more so as the author's historical and artistic taste would have found admirable scope in their selection. Though somewhat carelessly printed, and bearing marks of hasty revision, the work is derived from dependable authorities and substantially accurate. There has been a natural tendency to crowd the canvas when material is so abundant, for almost every street in old Bruges might be made the text of a fascinating historical study. Throughout, however, pains have been taken to maintain proportion, and it would be unjust to complain that features have been barely indicated which many would prefer to see drawn in detail; for instance, the fact that a town charter was secured at a given time is, as it should be, punctually recorded, but in no case do we learn its terms. Bruges, which has suffered a long period of complete commercial eclipse, is full of hope of revived prosperity, to result from a new canal that shall connect it with the sea, whence it derived its wealth before the Zwijn silted up.

MARY BATESON.

The End of Villainage in England. By T. W. PAGE. (New York: American Economic Association. 1900.)

MR. PAGE'S publication, though not bulky, is well worthy of attention, on account both of the importance of its subject and of the pains taken by the writer to elucidate it. The book treats, in substance, of the commutation of labour services owed by villains to money rents, and of the legal consequences of this process. We need not mention that the sub-

¹ Doc. xviii.

ject has given rise to contradictory views, Thorold Rogers assuming that the release of labour services was all but complete in the first half of the fourteenth century, while Dr. Cunningham and Professor Maitland have produced evidence as to the actual existence of the labour system all through the fourteenth and the beginning of the fifteenth century. In the discussion of the legal aspect of the process Professor Ashley and Mr. Leadam may be considered as representing the most divergent opinions, one holding that the class of copyholders which arose out of villainage did not enjoy legal protection as to tenements and services in the period from 1450 to 1550, while the other not only relies on the well-known decisions of Danby and Brian as establishing the protection of the copyholders by the common law courts, but points out the practice of the Chancery as preparing these decisions and contends that customary tenants as opposed to bondmen were entitled to protection even in earlier times. Quite apart from the literary feuds of the learned, which testify to the difficulty of the problem and the interest taken in its solution, its intrinsic importance can hardly be overrated. It treats of nothing less than of the passage from medieval agrarian organisation on the basis of natural husbandry to the modern management of land on the money-rent system, and from the medieval arrangement of society according to customary relations to its modern arrangement under uniform legal protection. As this historical process runs through the fourteenth century it requires incidentally a careful appreciation of the effects of the 'Black Death,' of the causes and results of the rising of 1381, &c. In a word, we have to deal with a momentous and complicated problem, and we must feel grateful for any serious contribution towards its solution.

Mr. Page begins by a general survey of the institution of villainage at the time of its full development, summarising the results of modern research in that field. After giving a typical example of the work exacted from a medieval peasant on a manor of Ramsey Abbey he not unnaturally exclaims, 'It is hard to understand when the man found the time to cultivate his own virgate.' On the other hand the surplus population which the lord could not use in the cultivation of his estate was let off very easily. Men of servile birth were left to settle out of the manor for a trifling consideration, and the fine paid by female serfs marrying out of the manor was equally slight.

Our author's own inquiry is directed to ascertain, by the help of an examination of first-hand evidence, at what time and in what ratio money payments were substituted for labour. With that object in view he has examined a great number of 'ministers' accounts' in the Record Office, the British Museum, and the Muniment Room of St. Paul's Cathedral, adding such information as could be obtained from the few manorial records hitherto published or analysed. The results are summed up in three sets of tables, one illustrating the condition of affairs between 1325 and 1350, the second between 1350 and 1380, and the third between 1380 and 1450. Our writer reduces his information to four classes. Manors working entirely by labour services are marked in the tables with X, those in which about half of the services in kind have been bought off by Y, those in which there are only some trifling remnants of customary work by Z, those in which rents have entirely taken the place of labour

by O. In the accounts of the first period (1325-1350) our author finds that of eighty-one manors lying in different parts of England 'on only six the predial services of the villains had been completely abolished, on nine the villains performed little even of the *Handdienste* that were needed on the demesne, while on twenty-two fully half of the necessary labour was furnished by them, and on forty-four they did practically all the work, labour being hired only for the greater part of the team work' (p. 44). The second series of tables (pp. 60-64) shows how far the process of commutation had gone in the thirty years following the plague. 'The names of fifty-five of the manors that are contained in the former table reappear in this. In no case has there been an increase of the amount of labour exacted from tenants in villainage. On ten of the manors they perform no predial services whatever, on thirteen the amount of work they do is inconsiderable, in fifteen they furnish about half of the labour needed, and only on seventeen do they perform practically all the work—exclusive of most of the team work—that is done on the demesne' (p. 59). We find in addition to the manors contained in the 'former list the names of seventy-one others. Only five of these are still cultivated chiefly by means of villain services; ten make about equal use of hired and villain labour; on twenty-six the amount of villain labour performed is considerable, and on thirty it has been altogether commuted for money payments' (pp. 64, 65). The third set of tables shows 'that when the first third of the fifteenth century ended, the abolition of predial services was approaching completion. There were still some manors where the villains were held to a performance of a little labour, and a few where they continued to perform a great deal. But in most of these manors the process was completed soon after the period of enclosures began' (p. 77).

These being the facts, Mr. Page interprets them to mean that the depopulation following the 'Black Death' set the stone rolling in the direction of commutation. On the one hand there followed a period of anarchy peculiarly favourable to the assertion of freedom by the villains. They deserted their holdings *en masse*, and the lords, finding the greatest difficulty in keeping up the accustomed services, consented more and more readily to arrangements on the basis of a money rent. On the other hand, the population having been reduced by one half, the amount of capital per head was as good as doubled, and this enabled the villains to find the necessary payment without difficulty. The rising of 1381, directed not against renewed oppression at the hands of the lords, but against the remnants of servitude, did not influence the process in a material way. Commutation went on fast, and, as it has been said already, the result was the all but general substitution of rents for services towards the middle of the fifteenth century. A necessary sequence of the economic process was the legal protection granted by the common law courts to copyholds in the shape of the often-mentioned decisions of 1467 and 1483. Our writer has no difficulty in showing, against Mr. Leadam, that the customary tenure by copy of court roll and the tenure by bondage were originally the same thing and could be designated by interchangeable terms, but he follows him, as against Professor Ashley, in regard to fifteenth-century jurisprudence.

This is the substance of our writer's argument and conclusions. They are well stated, with a regard for easy orientation and clear exposition which makes one think of the points and illustrations of a good lecture. The contents present two component parts—the central inquiry as to the periods of commutation and a frame to that inquiry formed by considerations as to the system which obtained before commutation and the political and legal facts which followed it. This general frame is not the result of independent investigation, and the author never presents it as such; still it is something more than an introduction and an epilogue, and we cannot simply pass by it, as it touches many of the historical problems implied by commutation. But it ought to be understood that we do not make the writer equally responsible for his statements in one and in the other case; he is entitled to greater authority and to a more close criticism as to the subject and the method of his special inquiry than in regard to the historical frame he has arranged for it.

In regard to the estimate of the medieval system, I should be inclined to challenge three points: for one, the view that the absence of legal protection of villain tenements against the lord is a consequence of the recognised uncertainty of the incumbent services; secondly, the slight attention given to *Spanndienste*, the plough work and carriage work; thirdly, the treatment of the case of villains leaving the manor. As I am discussing the first of these points at some length in an article for the *Economic Review*, I may be allowed merely to refer to that paper. As to *Spanndienste* and *Handdienste* I must say that I consider the general relation between these species of labour worthy of much more attention than is bestowed upon it by Mr. Page. To begin with, he speaks as if he understood only team work under *Spanndienste*. I fail to see why he does not include the *operaciones caretтарum* and the *averagia* as well. They play a very important part in the customals,¹ and, taken together with the team work, form a very considerable portion of the aggregate labour of the peasantry. But even if we restrict ourselves to ploughing and harrowing it appears to me that it is somewhat strange to eliminate this work from the appreciation of the services performed by the peasant. In many cases it may be considered as the chief and characteristic work of a 'full' peasant, a virgate. In some customals it is rated as the principal labour in point of quantity and quality.² The reason for such a neglect on the part of our writer seems to be that he is chiefly interested in the later customals and ministers' accounts, in which the 'hand work' seems to be coming gradually to the fore. But this by itself is a fact well worthy of attention, and it is not entirely alien to the history of commutation; the ploughing appears to have given way at an earlier stage than the hand work. One can easily see the reason for it in the cumbrous character of the *consuetudines carucarum* and the comparative ease with which they could be replaced by an increase of the manorial teams, but still even in later times customary plough work was by no means obsolete,³ and the whole question evidently requires a more exhaustive treatment.

¹ To give a single instance, see the survey of Therefield, Herts, in the *Cartulary of Ramsey Abbey*, i. 45 ff.

² E.g. *Glastonbury Customal of 1189* (Roxburghe Club publications), pp. 34, 69.

³ Compare the management in the manor of Wilburton: Maitland, *History of a Cambridgeshire Manor*, ENGL. HIST. REV., 1894, p. 422.

Another doubtful point concerns the payments exacted from villains and nieves leaving the manor. 'There had been a gradual increase of the population on the manors, and, as the lord could make no use of the increase, a small payment, often merely nominal, would suffice to secure his consent to the villain's departure' (p. 12). The account of chivage and merchet given by our author is not quite correct: chivage, or 'heved-penny,' was by no means restricted to those villains who left the manor. It was a small personal tax paid by the entire male population of the manor, both by the minority which left it and by the majority which remained on it.⁴ In the same way merchet was by no means a payment 'made by the villain if he wished his daughter to marry a freeman or a villain on some other manor;' it was paid to the lord in all cases of marriages of nieves.⁵ Just because these payments were general and not exceptional, they were small, and we cannot consider them as the only restraint imposed on free migration from the manor. The manorial officers were ordered to take great care not to let the villains leave the manor without permission, and sometimes substantial fines were paid in order to obtain permission.⁶ As for chivage, it was chiefly used as a symbol of the power of the lord, and was important in so far as it could give a clue for eventually enforcing this power in other ways.

But undoubtedly the treatment of surplus population was one of the weakest sides of the manorial arrangement, and it has to be reckoned with in any attempt to explain the gradual change in economic conditions. To put it shortly, villain service was in the main fitted to the holdings and not to the persons. The virgate had commonly to provide one man for the manorial work, although, perhaps, it had as many as five living and working on it.⁷ On a few occasions a second man was required, and for a couple of days in the autumn the whole population was called out, with the exception of the housewives. This explains why the virgate could sometimes be burdened with five or even six days' work in the course of a week. One man was engaged on it, and two or three were left to cultivate the tenement. Attempts were, indeed, made by the manorial lords to utilise the services of the dependent population by calling it up to the performance of other work, by using villains as personal attendants and as manorial servants,⁸ but still the chief meaning of the customary arrangement was that a certain quantity of labour should be performed from certain tenements, and this excluded any thorough exploitation of the personal element. It is easy to understand in this connexion why it was not difficult under ordinary circumstances to leave the manor. It must be added that in view of the exceedingly subdivided state of feudal lordship, and the scanty means provided by public power for pursuing and capturing fugitives, it was not mainly by restrictive measures that territorial lords held their subjects on the soil of the manor. It was sufficient to cross a brook or to remove to a neighbouring borough to secure preliminary protection, and often to sever the tie binding a man to his

⁴ *Ramsey Cart.* i. 285, 357.

⁵ *Villainage in England*, p. 153.

⁶ A curious instance is given by Blomefield, *History of Norfolk*, i. 172.

⁷ *Note Book of Bracton*, Case 1005: 'et ad bedrepe inveniet quatuor homines et ipse W. erit quintus.'

⁸ Gloucestershire manorial instruction, *Cartulary of Gloucester*, iii. 213 ff.

villain's nest for ever. It cannot be urged too often that the real guarantee against a dispersion of the peasantry lay in the general fairness of the conditions in which it was placed, according to the times. As long as the labour of one man in the course, say, of four days in the week was not too heavy an imposition on a household of three cultivating a virgate the profits of the cultivation held the people to the virgate much more than the most stringent manorial instructions and the clearest statements of the law as to 'adscription to the soil.' And we may add that the custom held good as long as conditions were not only positively but negatively against migration; I mean as long as there were no strong inducements in the agricultural, industrial, and commercial conjunctures close by for the tillers of the virgate to forsake it and seek better wages and better profits in other employment.

Now the decisive fact seems to be that, apart from peculiar earlier processes, in the course of the fourteenth and fifteenth centuries the unstable equilibrium of the system gave way, and the customary arrangement had to be not transformed, but given up. On the one hand the depopulation caused by recurring plagues shook the foundation of the bargain in so far as it took away half the labourers, while the work required from the holdings remained the same. On the other hand the customary system which, in substance, represented the average requirements of the thirteenth century was entirely unable to do justice to the competition of the fourteenth, to the rise of wages and to the new openings in industry and trade. Mr. Page lays chiefly stress on the first of these facts, and even describes the part played by the 'Black Death' with some exaggeration, representing the plague as the chief determining cause of commutation. It was certainly a great crisis, but the important thing is to see how far existing economic conditions prepared or disqualified people for meeting it. The point to be noted is that the customary system was eminently disqualified to meet critical emergencies and sudden changes of conditions.

But apart from that it seems to me that, to understand the process of commutation, a good deal of attention has to be paid to the second feature—to the inducements presented by agencies competing with the manor, one of them being the cultivation of estates by hired labourers. I can only endorse here the general statement of the development given by Dr. Cunningham in his 'Growth of English Industry and Commerce.' The land system had to be mobilised, if one may say so, and this led necessarily to a dissolution of the customary arrangements. Looking on the course of events from this point of view one is hardly likely to overestimate the effect of the 'Black Death,' which has been made by many writers to serve as a kind of economic revolution. It undoubtedly accentuated the tendencies in course of development, but it neither originated them nor has it materially affected their course. We must really not raise the plague to the dignity of a constant economic force. For one I do not think it tended to increase considerably the amount of money in circulation in the country. Mr. Page thinks it plainly did, because, the population having been reduced by one half, the capital per head was thereby doubled. This may be, but this doubling of the available capital must have been largely counteracted by the financial panic

following on such disasters and the economic anarchy eloquently described by our authorities on this period. We should, therefore, expect, *a priori*, that the turn towards wholesale commutation would show itself partly before the plagues in response to the general progress in welfare, the accumulation of savings, and the starting of new ventures; partly that it would come decidedly to the fore a good many years after the plagues, at a time when the conditions of life were again more settled and more likely to produce far-reaching agreements. And I do not think that Mr. Page's tables disprove these suppositions. Let us turn to them as to the *pièce de résistance* of this interesting little book.

Though condensed into a few pages of tabulated statements they appear as the result of many months of patient work on first-hand evidence. Several limitations may be suggested at once. The author skips too lightly over some very intricate problems intimately connected with the period under discussion. We fail, for instance, to recognise a close examination of facts in the remarks on the rebellion of 1381. In Mr. E. Powell's history of the rising in East Anglia or in A. Réville and Petit Dutailis's '*Soulèvement des Paysans en Angleterre en 1381*' we find many indications which do not allow us to minimise the antagonism between landlords and tenants at the time of the rebellion and before it. What is more important, it seems to us that the precious first-hand materials produced by Mr. Page would have admitted of a closer and more fruitful examination, and ought to have been presented in a form which would give the reader some means of testing the import of the evidence. Our writer's X's, Y's, and Z's do not tell us enough of the particulars contained in the documents. I do not wish to cast any doubt upon the correct rendering of the general aspect of the accounts used, but I cannot help thinking that the meshes of the net holding the evidence are too wide, as one has to sort the whole of the material into the classes of whole-sale labour service (X), half labour (Y), trifling services (Z), and no service (O). They are also loose in so far as team work and carrying work are treated as items to be neglected, as we have already pointed out. Altogether we should like to possess a little more insight into the methods used by our author in reckoning up the data of his accounts and extents.

Then, again, it would surely not have been amiss if an attempt had been made to work out the distinctive features of social and local groups. It is not enough to name the manors in the order of counties: there are other and not less vital distinctions. Just to mention one particular thing, it seems pretty clear, even on the strength of a perusal of the tables, that some of the great monasteries were especially backward in giving way to the tendency towards commutation. The Huntingdon, Cambridge, and Norfolk manors of Ramsey Abbey form a compact group in this respect, and Mr. Page's tables show that the abbey kept up a policy adverse to commutation even in the middle of the fifteenth century. Such facts are not immaterial for those who want to form an opinion as to the ways and periods of the process. It seems worth while to institute some comparison as to the modes of treating these problems on the lands of the crown, of minor ecclesiastical institutions, of lay lords, of small squires, of the towns, &c. It may help to put very interesting evidence into

its proper place, as, for instance, the example of Ramsey may possibly suggest to an investigator of the Ely management, as illustrated by Professor Maitland's masterly paper on Wilburton,⁹ that commutation on the estates of this other great monastery was also rather following in the rear of measures taken by more enterprising lay people, who were less hampered by carefully arranged and recorded tradition.

However this may be, an examination of Mr. Page's tables in conjunction with such other knowledge as we possess on this curious process will hardly tend to disprove the following two conclusions: first, that the practice of commutation was slowly forming itself on many manors already in the twelfth and thirteenth centuries, the preparatory steps being generally the eventual exchange of labour service for rent;¹⁰ secondly, that the wholesale transition to paying rent is chiefly to be assigned to the last years of the fourteenth and the beginning of the fifteenth century, when the violent disturbances caused by the plague and the rising of the peasantry were gradually subsiding. Let us, in any case, be thankful to Mr. Page for what he has given us. If lacking in detail his information is still very valuable as a rough estimate of the general process made by one who has consulted the original documents conscientiously and on a large scale.

P. VINOGRADOFF.

Machiavelli. Von RICHARD FESTER. (Stuttgart: Fromman. 1900.)

THIS volume of 200 pages is the first of a series of monographs on political philosophers and economists under the editorship of G. Schmoller and O. Hintze. Discussion on Machiavelli knows no limits of time or space; this review, therefore, must mainly confine itself to an indication of the contents of its subject. The first part is devoted to the atmosphere from which Machiavelli drew his inspiration and to the general characteristics of his personality and thought. The second treats of his more important philosophical writings and of his place as the 'restorer of political science.' It may be doubted if this arrangement is quite as orderly as on the surface it appears to be. The execution leaves at times an impression of repetition, but, after all, Machiavelli's method relies much on the use of the refrain, and this properly or naturally finds an echo in his commentator.

The opening chapters on the Italy of Machiavelli's age, on his youth and its impressions lead to his relations to the most prominent figures of his earlier manhood, Savonarola and Caesar Borgia. His attitude towards the former is sufficiently simple, but Dr. Fester takes the more extreme view as to the ideal element in Machiavelli's picture of the Borgia; the real man he would merely class with Albert Alcibiades of Hohenzollern, dubbing them 'bandits both.' To this view Dr. Fester will doubtless find opponents among those of the Borgian cult. The interesting question here is whether Machiavelli deliberately and consciously set him up as a personal ideal in spite of his scornful rejection of abstract ideals, or whether he was genuinely carried away by Caesar's force of will and the directness of his methods, the very qualities which the overdone diplomacy of Italy lacked. It is at least curious

* ENGL. HIST. REV. 1894, p. 452.

¹⁰ E.g. *Rotuli Hundredorum*, ii. 334.

that, in his manual for the formation of an Italian prince, the two models should be not Italians but Spaniards—Ferdinand, the incarnation of cant, and Borgia, the personification of well-considered violence. Machiavelli's employment of the ideal is a subject of much interest. Bacon might thank him for his inductive quality, for showing men not as they ought to be, but as they are, but Dr. Fester knows his Machiavelli too well not to realise that the inductive and historical methods supply rather the ornaments than the premises of his conclusions. Yet it might be dangerous to assert that Machiavelli's idealism was always conscious, and difficult to ascertain precisely how far in working to ideals he was also working from them.

Idealism forms a natural introduction to Machiavelli as a poet, and the reader is thus beguiled into an analysis of the 'Mandragola.' When steeped with the poison of the poet-philosopher's contempt for the human race the author tenders to him the antidote in the chapter entitled 'Dreams of a Patriot.' Here in Machiavelli's short period of official life contempt for the actual Italy gives place to visions of its revival, while these find their partial fulfilment in the creation of the Florentine militia. The dreamer has for the moment become the man of action. The rush of the Spanish troops at Prato swept away the half-trained levies, and with it their creator's political career. Thrust from office by the Medicean restoration, the broken civil servant owed to his disgrace his reputation with posterity. As Dr. Fester well says, 'the misfortunes which almost broke the strong man's heart converted the political thinker into the political writer. The involuntary idleness of the ensuing years blossomed into immortality.'

In the second part of his volume Dr. Fester follows the chronological order of Machiavelli's writings. He treats them as independent fragments, and, although he admits the existence of a certain logical sequence, he attributes to this fragmentary character the difficulty of a precise statement of Machiavelli's views. The more general political discussions of the 'Discorsi' lead to the special sections handled in the 'Principe' and the 'Arte della Guerra,' the two latter being closely connected, for the most vital function of the prince is the organisation of the people under arms. Finally the inductive political knowledge gained in the course of the earlier writings is utilised for the finished literary work, the storehouse of all Machiavelli's political and historical experience, the 'History of Florence.' In this chapter Dr. Fester is perhaps at his best; he gives an admirable estimate of Machiavelli's merits as an historian, of his power of seizing the essential, of the poetic instinct displayed in his generalisations. Other historians had made the student of Florentine life acquainted with every stone, house, and street of the Tuscan city, but Machiavelli had been the first to scale the campanile and gain a bird's-eye view.

The concluding chapter is an *apologia* for Machiavelli, based upon the distinction between private and public responsibility, between the duties of the individual and the dictator. It was his great task and chief merit, thinks Dr. Fester, to have rediscovered the existence of the public conscience, hitherto obscured by the medieval conception according to which the subject was only a pilgrim on the road towards the *civitas Dei*,

without duties to his momentary resting-place, while the ruler held himself responsible to God alone. On this head the author seems to us to exaggerate his hero's originality, perhaps because he directs his own vision towards the early Hohenzollerns in the Mark rather than to the Venice of the fifteenth century. The shortcoming of Machiavelli was, in Dr. Fester's opinion, the failure to recreate church as well as state. This unfortunately reminds him of Luther, who is dragged in by the hair and heels to form a somewhat inartistic epilogue, for the reader is left with a taste of Luther rather than of Machiavelli in his mouth.

The volume is very thoughtful and suggestive; for educational purposes it may prove somewhat difficult and a little too subjective. It is possible that Dr. Fester, with many others, has attributed too much of Machiavelli's fame to his originality of thought and too little to the beauty of his style. At all events it is the two most literary of his works, the 'Prince' and the 'History of Florence,' which have made his reputation with posterity. Machiavellism and anti-Machiavellism alike owe their birth as much to the trenchant language of the 'Prince' as to its uncompromising doctrines. In the less known 'Arte della Guerra' we are disposed to question the originality of thought, but Mr. Burd's pamphlet on its classical sources enables the reader to admire the skill with which a cento of quotations has been worked up into an artistic mosaic. Was Machiavelli after all the first modern political philosopher; did he first apply the principles of the renaissance to the state? The answer may depend upon modernity's *terminus a quo*. This may, of course, be fixed so late as to exclude Marsilius. Otherwise, if the Paduan had written in Machiavelli's appetising Italian, and the Florentine in the indigestible Latin of Marsilius, the latter might have challenged his successor's claim. Marsilius at least did not fail to bring church into line with state.

E. ARMSTRONG.

A Study of the Court of Star Chamber. By CORA L. SCOFIELD.
(Chicago: University Press. 1900.)

THE Court of Star Chamber has an evil name. In an historical handbook which was in high favour about forty years ago I remember reading with some amusement that its establishment by Henry VII was a violation of Magna Charta. That a charter granted by King John had established principles for all time in such a firm and indelible fashion that no king could have been justified, even with the concurrence of parliament, in setting them aside after the lapse of nearly three hundred years struck me as a very curious view of the constitution. It was not easy, certainly, for any one possessed of such an idea to realise the possibility that an institution framed originally to correct some very great abuses became ultimately a source of great abuses itself. Yet, after all, it is not exactly true that the court was first instituted by Henry VII; and the abuses of the later years seem rather to have been due, at least in some degree, to a departure from principles laid down in the act of that reign; which principles, so far as I can see, were no violation of Magna Charta at all. The early history of the court, however, is a little obscure. Of its

practical working in those days we are unable to judge, from the total loss of the books of orders and decrees, and it is not till the reign of Elizabeth that much light comes from other sources. Hosts of Star Chamber proceedings are certainly in the Record Office, still undergoing the process of arrangement; but in the reign of Henry VII we cannot tell with certainty what are Star Chamber proceedings and what are not. Fortunately, however, there were legal antiquaries who had studied the records now lost, and probably those which have since got out of order, especially one Hudson, himself a practitioner in that court, who has left us a treatise upon it; and by studying this and other treatises of old experts, and collecting what may otherwise be known of the history of the Star Chamber, Miss Scofield is able to correct some common misapprehensions.

First of all, it is altogether a mistake to suppose that there was no Court of Star Chamber before the act of Henry VII. The Star Chamber was a room in the king's palace where the council usually met, and among other business heard cases of serious complaint addressed to the king himself in council, for which no redress was expected by ordinary legal process. What the act of Henry VII really did was to set apart a special committee of the council, aided by judicial advice, to correct a special class of abuses, those, namely, of livery and maintenance, and corruption and intimidation of juries, by which the course of justice was to a very large extent perverted in those days. And we may well believe that the new court did excellent work in this matter. But the powers of the council as a body remained as before, and even under Henry VII there is some appearance of the whole council acting judicially in other matters. Indeed, it could hardly be otherwise when decrees in matters of state affected private interests, to which a hearing would naturally be given either before or after the decrees, and we have one case of the council rescinding an order it had given for the removal of a market at Canterbury—of course as the result of strong remonstrances. At all events we know by minute books of Henry VII's time that judicial matters and ordinary matters of state both came before the council, which seems to have passed easily from one to the other as equally belonging to the day's business, without particular note of their distinct and separate character. Miss Scofield has made it so much her object to collect ascertainable facts that she carefully avoids large and sweeping conclusions. But a perusal of her valuable pamphlet shows pretty clearly that the abuses of later years were really due to the enlargement of the functions of the court, which, indeed, began as early as the reign of Henry VIII, though it was not safe then to complain of them. And they became all the more serious when, with the growing unpopularity of the court, it showed itself, as no doubt a court is bound to do, sole judge of what is due to its own dignity in awarding punishment for contempt, for thus it seemed to be a party in the cases brought before it. In short, it became the ally of arbitrary government, though in cases between party and party it remained to the end a strong court, and no doubt deserved to be respected for its impartiality when it was not an engine of despotism.

JAMES GAIRDNER.

Catalogue of the Library of Syon Monastery, Isleworth. Edited by MARY BATESON. (Cambridge: University Press. 1898.)

By an oversight, for which I alone am to blame, this volume has been left too long unnoticed. Syon Monastery was not an old foundation, and the catalogue of its library lacks some elements of interest which might have been expected in it if it had represented the gradual accumulation of centuries. It nevertheless well deserved to be printed, and thanks are due to Miss Bateson for her careful editing and instructive preface.

It was not until 1415 that the first and only Brigettine community in England was established at Twickenham, whence it removed in 1431 to the site at Isleworth which still preserves its name and memory. Its founder was Henry V, who endowed it out of lands of the alien priories seized in 1414; but there is no doubt that the impulse came from his sister Philippa, wife of Eric, king of Sweden, Norway, and Denmark, whose devotion to the order of St. Briget of Sweden dated from her visit as a bride to the parent house at Wadstena in 1406. In the Brigettine rule a special feature was the provision for the two sexes to serve God together, every community consisting of sixty nuns, thirteen priests, four deacons, and eight lay brothers, all of whom were under the rule of an abbess, supported by a confessor-general. Men and women worshipped in the same church, the nuns occupying an upper story within sight of the high altar and hearing of the services; otherwise they lived apart, the dwelling of the nuns being on the north of the church, and that of the brethren on the south. Founded under such auspices and favourably placed near to the capital, the house of Syon thrived and grew rich; and during the hundred years of its existence, among more material wealth, it amassed the library of which we here have the catalogue. Miss Bateson, however, makes it clear that this was the library of the brethren only, the nuns having a separate one of their own. It is a pity that the catalogue of the latter has not also come down to us, as a comparison would have been interesting; but as 'a means of estimating the intellectual and literary resources which were at the disposal of a flourishing religious house shortly before the Reformation' the present catalogue, which is preserved in a Parker MS. at Cambridge, was no doubt the more important of the two. It appears to have been originally compiled about 1504, and continued down to 1526, and owing to this late date it includes a large proportion of printed books, thereby differing from most other published monastic catalogues. In the roughly classified arrangement manuscript and printed volumes are mixed up indiscriminately, and Miss Bateson's success in identifying so many editions would have been impossible if the cataloguers had not adopted the very useful medieval systems of giving the initial word or words of the second leaf. One curious feature brought out in the notes is the paucity of productions of the English press, for out of 396 books identified only seven were printed at London and two at Oxford, as against 91 from Cologne and 87 from Paris, Basel coming next with 34. Apparently the library possessed no books printed by Caxton, but two of Wynkyn de Worde's were presented by himself. Again, of works in English there were no more than 26, which, as Miss Bateson points out, is the more strange as the foundress of the order favoured in her rule the use of the vernacular. They

include an incomplete Old Testament and a psalter, but are mostly small theological tracts, and such names as Chaucer, Gower, and Lidgate, not to speak of others, do not occur. The library in fact was almost exclusively a Latin one, the later authors of the Renaissance being in some force, as well as translations from the Greek. The rarity of Greek texts only calls for remark because one of the principal donors was a good Greek scholar. This was the confessor-general Richard Reynold, whose name has a tragic interest, since he was hanged for denying the king's supremacy in 1535. Altogether 1,421 volumes are entered, many of which, however, include several distinct works bound up together. As might be expected, the great majority are biblical, theological, or of kindred character, but among other branches of study classics and history are fairly represented, the latter category including Bede, Henry of Huntingdon, Gervase of Tilbury, and Higden. One of the copies of Bede has been identified with a manuscript now in the guildhall at Bury St. Edmunds, but of what date we are not informed. How many more of the entries were manuscripts it is impossible to say, as the date of the donor is generally the only means of judging, and the titles are often tantalising in their uncertainty. The saddest feature of the catalogue, however, is that out of the whole number of manuscripts only six are as yet known to have been saved out of the wreck of the house. Now that the catalogue is published, with the help afforded by the initial words others may perhaps be discovered, but from the late date at which the library was formed it is not likely that there were any of first-rate importance.

G. F. WARNER.

Correspondance Politique de Guillaume Pellicier, Ambassadeur de France à Venise, 1540-1542. Publiée sous les auspices de la Commission des Archives Diplomatiques par ALEXANDRE TAUSSE-RADEL. (Paris: Alcan. 1899.)

THESE eight hundred pages are very stiff reading, for Pellicier's letters have few merits of style to lighten the burden of their length and numbers. They are, however, not without some interest as throwing side-light upon the somewhat obscure period of suspense from 1540 to 1542, when Francis I was girding himself for another attack upon the emperor, in which the infidel should play a yet larger part than in the war of 1536-8. The ostensible function of the French embassy at Venice was not its real one. Venice was exhausted by the recent disastrous war against the Turks, and the scarcely less disastrous peace, in which the professed French friend had a hand, if not, as many Venetians thought, a clean one. She was, therefore, quite unwilling to take a decided line in the struggle for Lombardy, although she was glad enough to see her pushing and impetuous neighbour, Ferdinand of Austria, occupied by the recurrent Turkish movements up the Danube and its tributaries. To France the Venetian embassy was mainly valuable as a halfway house on the road to Constantinople. The passage of envoys and despatches between the Porte and Paris was attended by innumerable dangers, but many of these could be avoided by the agency of Venetian and Ragusan ships and by Venetian escort to the borders of the Grisons. Pellicier's most pressing business was to act as forwarding agent in this disreputable intercourse, and also as purveyor of oriental news, which all filtered

through the islands or the Balkans towards Venice. Hence his letters contain much information on military and naval movements at the Porte and in the Mediterranean, and on the endless conflicts for the command of the Danube valley. In this consists, perhaps, the main value of the book.

Venice, however, was also an invaluable watch-tower for observing the mysterious movements of French and imperialists in North Italy; it was within easy reach of Mirandola, that curious little basis of French influence in the Lombard plain, or, as imperialists would call it, that hornets' nest of exiles and adventurers, which in Charles V's declining years made its stings only too smartly felt. At present Mirandola was merely the occasion for interminable and uninteresting despatches. Nevertheless it was the nervous centre of North Italy. The despatches show that the French did not feel certain that they would always enjoy the monopoly of the aggressive. Charles V's Algerian project was regarded with some scepticism; it might prove but a pretext for personal intervention in North Italy in his passage from Germany to Spain. Notwithstanding his frequent correspondence with other Italian courts, Pellicier throws singularly little light upon the condition of Italian politics. This is partly due to his literary defects. He has no idea of telling a story; not infrequently his letters receive their explanation from the notes which the editor, with good judgment, extracts from the despatches of English envoys, who had few of the advantages of the Frenchman. One of the Du Bellay brothers would have left us a very different picture. The only two events which took place within measurable distance of the French embassy at Venice in Pellicier's time were the assassination of Rincon and Fregoso on the Po, and the *coup de main* by which a handful of adventurers surprised Marano, the important but isolated Austrian possession on the lagoons of the Friuli. On both these events Pellicier is a first-rate authority. He had with much care and anxiety conveyed Rincon through Venetian territory on his homeward voyage, and was prepared to assure his safety as soon as he again reached the republic's borders. Although, perhaps, he was not directly concerned in the surprise of Marano, the affair was at once brought within his range, for Venice was at first too timid to bring upon herself the wrath of Ferdinand, while the sanguine foresight of Piero Strozzi saw in the port a French naval *ἐπιχειρηματός* against the southern possessions of the hated Habsburgs. Such diplomatic webs as Pellicier may have had in hand were never woven. His letters would show him to be rather complicated than clever. His object being less action than information, he bribed Venetian secretaries, and, bishop though he was, entered into relations with Venetian ladies, in which, to judge by results, sentiment played as large a part as statecraft. These subterranean methods resulted only in an explosion which cost Pellicier and French influence dear. It is left to a secretary to describe the outburst of indignation, at once official and popular, which culminated in an attack upon the embassy and caused the envoy's unceremonious flight.

Pellicier's interests as a humanist are well known. At Venice he employed himself in collecting books and manuscripts for the royal library. He was thus brought into friendly relations with the house of Manuzio

and other well-known printers and copyists. The editor speaks of his friendship with Aretino, but of this I have found no trace in these pages. Pellicier was responsible for sending the architect Serlio to France, but his letters do not give evidence of any peculiar interest in art, and the name of Titian finds no mention. On the other hand he collected rare or useful plants from Egypt and the east, and there is a pleasant reference to his careful watering of colocasia and the Malvoisie vine in his little Venetian garden.

In the appendix are printed extracts from contemporary letters of Georges de Selve, from the imperial court in the Netherlands (1540), and from Guillaume du Bellay, viceroy in Piedmont (1542). It contains also a catalogue of Pellicier's library, extracts from unpublished correspondence of Claude Baduel relating to Pellicier, and his life in Latin by the abbé de Folard. The introduction, which is virtually a biography, will be read with pleasure by many who dare not face the despatches. It gives an admirable account of this typical French *diplomat*, whose cultured but un-disciplined liberalism ultimately made him the mark of both religious parties. One slight error may be noted. M. Tausserat-Radel writes: *En dépit des lois sévères qui interdisaient strictement à tous les patriciens d'avoir aucune relation avec les ambassadeurs étrangers, Pellicier parvint à gagner les secrétaires des deux conseils* (the senate and the ten). The secretaries, influential as they were, were not patricians but *popolani*.

E. ARMSTRONG.

Ecclesiae Londino-Batavae Archivum. III. Epistulae et Tractatus cum Reformationis tum Ecclesiae Londino-Batavae historiam illustrantes, ex autographis edidit JOANNES HENRICUS HESSELS, M.A. Pars prima, A.D. 1523—16 Jun. 1631; Pars secunda, A.D. 23 Jun. 1631—3 Jan. 1874. Cantabrigiae: typis Academiae, sumptibus Ecclesiae Londino-Batavae. 1897.

THE publication of vol. iii. of the 'Archives of the London Dutch Church,' in two immense parts, containing copies and abstracts of no less than 4414 original letters and documents, which were unexpectedly found by Mr. Hessels after he had completed the first two volumes,¹ containing all the correspondence, &c. that, the Consistory and he thought, had ever been in the possession of the Consistory, completes this large and important collection, which gives the inner history of the early foreign churches of England. With its aid it is possible to put together the history of this interesting Dutch congregation of Austin Friars, which, as regards the beauty and size of its church, its very ample endowments, and its archives, has been and still is one of the most notable in England, which from its first foundation has supported its own numerous poor members.

Before the death of King Henry VIII, very many South-Netherland refugees had come to England in order to avoid the pains and penalties ordered by the placards of Charles V against those of the reformed religion. On the accession of Edward VI great favour was shown to those who, by their education and talent, became leaders of the foreign reformed church. John a Lasco, a Polish baron, and John Utenhove, of

¹ Reviewed in the ENGL. HIST. REV., April 1891.

a noble family of Ghent, were conspicuous among these, and they were in close touch with the king's council and Archbishop Cranmer. Utenhove had been with the latter in September 1548, and on 2 Oct. the archbishop wrote to Martin Bucer warmly urging him to come to England: *Veni igitur ad nos, et te nobis operarium praesta in messe Domini.*² In April of the following year Utenhove, Bucer, Fagius, Peter Martyr, François de la Rivière, Peter Alexander, Bernard Ochin, and Mathew Negelinus were³ working with Cranmer on the Bible, and conferring with him concerning church doctrine. John a Lasco, who had gone to Emden in the same month to look after those of the reformed church of that town who were fearing persecution,⁴ soon returned and joined the party at Cranmer's house. Through the intercession of the duchess of Suffolk, 'an inquiring and godly woman,' the desire of the Flemish refugees in London, who had then greatly increased in numbers, to have a church for divine service, was brought to the notice of the young king, Edward VI, by Dr. Cooke and Mr. Cheke, the royal 'schoolmaster.' The privy council at once gave for the strangers the use of the nave of the Austin Friars' church to Martin Micronius and Walter Delaenus, on a guarantee being given by them, and the first service was held there 21 Sept. 1550.⁵ This grant was made very formally by letters patent of the king dated at Leigh, 21 July 1550 (iii. 14), the writ of privy seal for the preparation of which is still to be found at the Public Record Office (10 July, 4 Ed. VI), and the enrolment of the charter is in the Patent Rolls (4 Ed. VI, part 5, m. 3), the original of which is now in the archives of the Dutch Church of London, being one of their most cherished documents. By this the Austin Friars' Church, given to the refugees, was to be called the Temple of Jesus, and John a Lasco was named as superintendent; he and the four ministers, authorised also by name, Walter Delaenus, Martinus Flandrus, Franciscus Riverius, and Richardus Gallus, forming a corporate and politic body with right of succession and full liberty to use their own rites, ceremonies, and ecclesiastical discipline, notwithstanding any difference from those of the established Church of England. Martin Microen, *alias* Flandrus, devoted himself to preaching and writing against the errors of the Roman Catholics, the Lutherans, and the Anabaptists while Delaenus lectured in Latin on theology in St. Paul's Cathedral, besides attending to the services of the Dutch church.

The first and original list of the members of the congregation in 1550 is an interesting little register, which gives also marriages and baptisms.⁶ In November 1552 John a Lasco wrote to Sir William Cecil, who had always been friendly to the strangers, to ask for an order or warrant of the privy council to protect the members of their church from disturbance for not attending the English services in the parish churches, they being so troubled in Southwark, where many of them lived.⁷ On the accession of Queen Mary in 1553, evil days fell on the growing community, which as described by Simon Ruytinck, a later minister of the church and its historian, was 'the mother and propagatrix of all the reformed arrches of the Netherlands.'⁸ Soon after the queen's marriage had been arranged,

² Strype's *Cranmer*, i. 282.

³ Ruytinck, *MS. Hist.* p. 12.

⁷ Strype's *Cranmer*, ii. 386.

⁴ *Ibid.*

⁶ *London Dutch Church Archives.*

⁸ Ruytinck, p. 394.

a proclamation was issued that all the Netherland and other protestant strangers should leave the kingdom within twenty-four days,⁹ when, besides the majority of these, some 800 English Protestants fled for refuge to Germany and Switzerland. The Dutch congregation was thus dissolved. John a Lasco, Micronius, and Utenhove at once arranged for their embarkation with 175 of their flock in a Danish vessel, which sailed from Gravesend on 17 Sept. 1553. Walter and Peter Delaenus, with 32 others, embarked in a second similar vessel from the same place, and, after being storm-tossed, safely arrived at Hamburg on 23 March 1554. The two parties, after great difficulties, united again at Emden,¹⁰ where they remained in safety until the accession of Queen Elizabeth in 1558.

Utenhove and Peter de Laen (or Delaenus) then returned to England with the dispersed strangers in the autumn of 1559.¹¹ They brought back with them the cherished charter of Edward VI and the church books, and on 10 Dec. sought for the confirmation of their former privileges.¹² The matter was referred to the privy council and the bishops, who reported to the effect :¹³

1. That their superintendent must be the bishop of the diocese, who would give them every assistance in church matters.

2. That they could not be a *corpus incorporatum politicum*.

3. That their church of Austin Friars and the ground on which it (the nave) stood, with the two houses adjoining, in which the Dutch ministers dwelt in King Edward's time, should be confirmed to them as an absolute gift.

The greatest possible help was given in these matters by Edmund Grindal, bishop of London,¹⁴ and in February 1560 the marquis of Winchester was directed to hand over the nave of the church for the use of the strangers of the city of London. Emanuel van Meteren, the Netherland consul in London (who had been brought over in 1550 from Antwerp by his father, then being fifteen years old) testified that

'the sayd church, anno 1558, in Queen Mary's tyme, was . . . for a tyme vsed for the Queen's storehouſe for provisions of a navy that went to Conquet in Brittain and afterwards vsed by the Florentyns' marchants to say masse in. The Dutche pulpet always remayning in it. At the Queen Elizabeth's coming to the crowne, the former gift of King Edward was fully confirmed to the strangers agayne, which bestowed great reparations, but the churchyard was then occupied by the then Lord Tresurer, Marquis of Winchester' (iii. 1695).

It was this affidavit which also gave the place where Coverdale's Bible was first printed, namely Paris.

The church, however, was not handed over immediately, so the strangers were given the use of some of the city parish churches. Ruytinck, in his manuscript history of the Dutch and their church in London, f. 21, states that sometimes Christchurch (on the north side of Newgate Street) and sometimes 'Margarete Kercke,' sometimes another (not named), were used for divine service. This is confirmed by entries in the Dutch church register of the period as follows :—

⁹ *Simplex et fidelis Narratio*, J. Utenhove, p. 21.

¹⁰ Ruytinck, p. 32; Utenhove, p. 21.

¹¹ Ruytinck, p. 31.

¹² *State Papers, Domestic, Eliz.* vii. 62.

¹³ *Ibid.* xi. 24.

¹⁴ Ruytinck, p. 32.

In templo D. Margareth baptizat Peters Delinus infantem nomine Jacop. 28 Januarij, 1560. Sepelitur predictus infans nono Februarij. Sepelitur infantis mater, 17 Feb.

A° Dñj. 1560, Juxta Rood lane at S. Margaret Patens. Publicam suam professi fidem in nostra Londino-Germanica Ecclesia . . .

Children of the Dutch congregation were also openly taught the catechism in the same church, so that in London, as was the custom at Sandwich, Colchester, Norwich, Southampton, Canterbury, Maidstone, and elsewhere, consecrated buildings of the English church were given to be used by the foreign reformed congregations.

Great satisfaction was felt when the congregation met once more in their own church at Austin Friars, probably on 18 June, 1560, when Samuel, son of Antonius Assaeus (Ashe) was baptised, for, as it was noted, for the first time after their return, the ceremony took place '*In templo Jesu olim Augustinianorum.*'¹⁵ This Samuel Ashe was educated for the ministry and, after serving in the Dutch church of Norwich, was instituted, as is shown later, to Trinity church, Colchester, in 1605-6.¹⁶

On the reconstitution of the foreign reformed churches of London, the Dutch, Walloon or French, and the Spanish ministers held monthly meetings called 'the Coetus,' when matters connected with their churches were considered.¹⁷ Discipline was one of the first matters regulated by the state on their establishment in England. Articles of faith and regulations for divine worship and the government of the church were drawn up in Latin by John a Lasco, and these were authorised by Edward VI and the privy council,¹⁸ being printed in 1551 and 1553. This discipline was shortly after issued in Dutch.¹⁹ This was soon translated into French, and with the additional title of *dressée à Londres en Angleterre par le Prince très fidele dudit pays, le Roy Edward VI, de ce nom*, was printed and published in 1556.²⁰ Many of the English clergy desiring reform in their church, this discipline of the Dutch church attracted great attention. The privy council on this wrote, 22 Oct. 1573, that no encouragement should be given by the Dutch church of England to any of the English church. Orders were also given that the sermons preached in Dutch in the parish churches on the occasion of the burial of members of the Dutch church should be discontinued.²¹ The increase of the foreign church was so great that in 1575 the corporation of London desired that no more members should be admitted, and the bishop of London communicated on the subject with the privy council.

In 1567 'the bishop of London, with the other commissioners for causes ecclesiastical,' made a decree under seal, dated 19 Dec., to the effect that the Dutch church should continue under its own discipline hitherto accustomed, and in conformity with the other reformed churches, also confirming the ministers, elders, and deacons in their several administrations.²² On 9 Aug. 1615 Dr. King, bishop of London, considered it necessary on the part of the Church of England formally to confirm the discipline of the Dutch church of England (iii. 1758), the London and

¹⁵ *Lidmaten Boeken*, vol. i.

¹⁶ Newcourt, *Rep.*

¹⁷ Ruytinck, p. 34.

¹⁸ *Ibid.* p. 16.

¹⁹ Ruytinck.

²⁰ Brit. Mus. c. 25, G, 18.

²¹ Ruytinck.

²² *Stryc's Annals*, i. 507.

Colchester consistories having complained by petition that some of their congregations did not observe it. The Dutch and French churches of England jointly met together in a synod on 3 Sept. 1641, when a committee was appointed, consisting of Peter de Laune, Philip Delmé, Charles Liebart, and Caesar Calandrin, the two former ministers of French churches and the latter of Dutch churches, with Peter Bulteel and Dierick Hoste, elders, to consider the disciplines of the two churches and to report concerning the advisability of forming one general discipline, so that there might be a closer connexion between the two churches. It was suggested that the new discipline should be translated into English, so that it might be confirmed, as the king and parliament might decide, their faith in the bishops having been lost through Laud's persecution of their churches. The matter was, however, deferred to the next synod, which met 13 May, 1644, when it was decided to discharge the committee on the ground that, although one discipline might unite the two churches more closely, yet the time was inopportune on account of the distractions of the kingdom and that 'parliament itself is now about a reformation.' The matter was then adjourned to a future occasion. The synod met again in 1647, when it was left to the discretion of the Coetus of the two London churches as to taking any steps in the direction of obtaining parliamentary powers. The serious internal disputes and feuds in the French churches of London, Norwich, and Canterbury, which were referred to the synod, prevented any further joint action in this matter.

The community greatly increased in numbers in 1567, on the arrival in the Netherlands of the duke of Alva, when it was estimated that over 100,000 persons of all classes of society left their native land. In May 1568 the authorities ordered the bishops to obtain complete lists of all the strangers in England. This practice by one department or another was continued, and it is notable that over twenty volumes of these lists are in the archives of the Austin Friars Church alone, while many more are found in other repositories. As prepared by the Consistory these lists gave particulars of the dwelling-places of the strangers, the length of their residence in England, with places, names of wives, and children, and servants. Thus the duties of the bishops in those days required them to 'take particular cognisance, what and who they were,' and it was through the archbishops that the orders were transmitted 'from the Queen's Highnes commaundmente by letter to oversee all strangers.'

More serious duties had to be considered by the superintendents, and these were not shirked by the bishops. In 1561 Adrianus Haemstedius, the lately instituted minister of the London Dutch Church, erring in doctrine, as regarded anabaptism and the divinity of Christ, was formally pronounced contumacious for refusing to obey an injunction, and excommunicated by Grindal, the bishop, as its superintendent. The decree, dated 16 Nov., was 'to all Ministers of Churches in our Diocese, and especially to Petrus Deelen, Minister of the Flemish Church' (ii. 46). Evidently there had been a split in the community, for on 2 May of the following year, some of the late followers of Haemstedius openly confessed 'before God and His Church' the errors of the doctrine taught them by him (ii. 49^a). A form of revocation was prepared by the bishop, but

Haemstedius refused everything, and was at once ordered to leave the country; he is supposed to have died in Friesland the same year.

Difficulties arose in the church in 1565 regarding godfathers and godmothers at baptism, which caused great divisions, many holding that the whole congregation acted as sponsors, private baptisms being only permissible on emergencies. The Dutch Consistory wrote to the earl of Bedford, who had undertaken to settle the dispute, on 27 Sept. of this year, much warmth having arisen, some calling the custom 'a satanic, antichristian ceremony, introduced by Pope Hyginus (A.D. 139-142), but not by God' (ii. 80). Peace was made by the superintendent, the bishop of London, and confirmed by the taking of the Lord's Supper, as was recorded. This had already been advised by Godsfred Wing, appointed minister in 1568.²³ It is notable that from an early date the names of godfathers and godmothers are recorded in the registers of the foreign churches. The following were the terms of the decree of the bishop and her Majesty's commissioners (iii. 92):

1. In the administration of baptism, it was ordered that in all cases there should be admitted godfathers and godmothers as witnesses. This was accepted.

2. That as authorities should be acknowledged:

(a) In matters of faith, doctrine, and Holy Scripture, the ministers;

(b) In judicial matters, the elders;

(c) In elections, confirmations, &c., the whole congregation;

(d) In serious matters, the bishop as superintendent, whom they desired to be consulted.

The offenders, the deacons, asked the forgiveness of the bishop and the ministers and elders, and the decree of the agreement, prescribed by the bishop, was ordered to be read from the pulpit.

Beza, professor of Greek at Lausanne, who had assisted Calvin in his lectures, took it on himself to write a long letter, 27 June 1566, to Grindal to the effect that he understood that the queen, with the approval of the bishop, had dismissed many ministers of the Gospel in England, otherwise blameless in life and doctrine, because they refused to use vestments, the sign of the cross, genuflexion in administering the Sacrament, &c.; that women were allowed to baptise, and that her Majesty alone had the power of adding ceremonies, and the bishops alone of settling ecclesiastical affairs, the pastors of the churches not being allowed even to complain. 'I have told my friends that her Majesty and the bishops promised quite differently' (ii. 81). In the following year, 24 Oct., the ministers of Geneva also proffered their advice on church difficulties at great length (ii. 85).

The effect of outside interference must have been great, for on 19 Dec. 1567 a decree was made under seal by Grindal, bishop of London, Gabriell Goodman, Daniel Lewes, Thomas Yale, T. Huyck, and Thomas Watts, the ecclesiastical commissioners of Queen Elizabeth for the whole kingdom, regarding certain persons who had separated themselves from the Dutch church of London, and ordering all the Dutch strangers in London to join this congregation (iii. 112). In those days the members of the Dutch and French churches were established nonconformists, who

²³ Ruytinck, p. 61.

were strictly compelled to obey the decrees of the ecclesiastical commissioners, which the bishops promptly carried out.

In August 1571 Sandys, bishop of London, asserted his right to be superintendent of the Dutch church, as Grindal had been. This position had not yet been authorised by any ecclesiastical decree, but only ordered by the privy council; yet by his authority the *Coetus* of the three foreign churches of London had on the previous 15 April imposed recantation on John Engelram (iii. 166). The ecclesiastical commission of archbishops and bishops sitting in 1571 settled the question that the foreign churches of England should be under the superintendency of the bishops of the respective dioceses in which they were.²⁴ The archbishop of Canterbury wrote on the subject to the archbishop of York 'that they, the commissioners, had much ado with the ministers of the Dutch church.' A final decree, dated 16 Sept. 1571, was made, signed by the archbishop of Canterbury, the bishops of London and Winchester, and John Hammond, by which all spiritual jurisdiction over the foreign churches was confirmed and acknowledged to be in the ordinary.²⁵ In March 1573 the Austin Friars Consistory asked Bishop Sandys to confirm and admit Wingius, Wilhelmi, and Sylvanus as ministers of their London church (iii. 231), a duty which the succeeding bishops of London performed until comparatively recent years, when the Home Office has taken upon itself to appoint on the nomination of the Consistory.

The privy council warned the Dutch church, 22 Oct. 1573, that Her Majesty expected from the congregation all services and actions becoming pious and grateful men. This apparently was on account of some Dutch anabaptists having made their appearance in London, which greatly troubled the church authorities. It was added that

lately rebellious persons contrive strange and new religious rites and ceremonies, as regards public prayers being better than those in use amongst us, and therefore wish to persuade the ignorant populace that you despise our rites. We do not despise your rites nor do we force you to adopt ours, but we approve of your ceremonies as suitable to yourselves and harmonising with the country whence you came. Her Majesty would expel you all from her kingdom rather than suffer it to be so impiously and so undutifully endangered by such guests received for sake of religion. Therefore expel from your flock any who would aim at such discord amongst us (ii. 127).

An answer was sent to the council, dated 6 Nov. 1573, to the effect that 'in order that our people may conduct themselves more discretely, we have explained your warnings and mandates to the whole congregation. Beyond obedience and thanks we are unable to do anything worthy of the benefits received' (ii. 130). The Sandwich Dutch church wrote to the mother church, 27 June 1575, that the magistrates had sent some time past a letter from her Majesty's commissioners commanding that all, every one of our nation, should sign certain articles against the anabaptists. 'We have no objection and are glad her Majesty is taking steps to prevent these errors' (iii. 342). Several anabaptists having been arrested in Whitechapel, two of these, Netherlanders by nation

²⁴ Strype's *Parker*, p. 331.

²⁵ Blomefield's *Norwich*, i. 286.

after trial and being in prison sixteen weeks, were burned on 22 July 1575.²⁶

In order to keep up a due supply of ministers, students were educated at the universities (iii. 1126), some going to Cambridge, an especial guaranteed fund being established to defray the necessary cost. The following report from Franciscus Gomarus of Leiden, of one of these named Tobias Regius, 8 Sept. 1605, shows the course of study at that university considered necessary in those days for young men destined for the ministry.

Your pupil is following the footsteps of his late father²⁷ in manners and diligence. He is zealous in hearing the word of God and does not neglect the sacraments. Six months longer in the Latin school than he wished obtained for him a firmer foundation for Greek and Latin. I taught him and others residing with me Crellius's *Logica*, and since then he has studied Aristotle with profit. He has practised in Greek and in private declamation under a professor, and is now receiving lessons in physics and metaphysics, after which he will begin to study theology and Hebrew. He is also reading the Scripture and Arsinus's *Catechesis*, and I am instructing him as to the mode of preaching and explaining texts (iii. 1654).

The stipend of an assistant minister was 60*l.* a year (iii. 3921), one half of what their seniors received, who had also a house or 30*l.* in lieu of one. Favourable testimonials were necessary, and satisfaction was required as regarded ability to preach, also proof of soundness in doctrine and learning. All ministers had to declare in writing a confession of faith and belief in the catechism of 'our churches,' according to the formula of the Synod of Dort, 1619. They also agreed to submit to the judgments of the colloquies. A candidate found to be competent and worthy of being confirmed in the community which had elected him was received, by the solemn laying on of hands, by one or two ministers of the nearest churches (iii. 3280). His name was then submitted to the superintendent for institution.

As early as 1576 it was ordered by the Consistory that, as ministers could not become rich by trade like other men, their widows should receive, not as alms but as of right, for six months, the full stipends of their late husbands and afterwards, if there were children and no relatives able to support them, and the widow behaved herself properly in the eyes of the church, she was to have one third of the late stipend or such part of the same as might be deemed proper.²⁸

Ministers of the Dutch church apparently were at times instituted to church of England benefices, and from these to those of the Dutch churches. In 1639-40, 8 Feb., the Dean of St. Paul's and clergy of Romford, Lambourne, Havering-atte-Bower, &c. gave testimonials in favour of Caesar Calandrinus, who had been rector of Stapleford Abbots, in Essex, since 1620: 'His doctrine hath bin orthodoxe and consonant to the faith of the reformed churches, and his life without any scandal' (iii. 2535). Calandrinus was then appointed minister of the London Dutch church. A reversed case had previously occurred. The Austin

²⁶ Ruytinck, 108-113.

²⁷ Jacobus Regius, *alias* Coninck, minister of the London Dutch Church, 1573.

²⁸ Ruytinck, p. 123.

Friars Consistory wrote, 18 Jan. 1606, to the Dutch church of Norwich that Samuel Asseus, formerly minister there, had commenced to serve an English parish at Colchester—

rather rashly on account of his weakness. We fear he will give offence and discredit our churches. As his stipend seems not to be more than 8*l.* or 9*l.* a year, he will soon be compelled to abandon the post, but as he pleads his weakness and poverty as an excuse we think that the Dutch congregation should come to his aid on account of his service and position (iii. 1661).

Robert Clough appears to have been instituted at Trinity church, Colchester, 11 May 1605; Samuel Ashe, clerk (without date), and John Booty, Pr, 5 Jan. 1606 (o.s.), by resignation of Ashe,²⁹ so that the prophecy of the Consistory was fulfilled. Shortly before this the London church had received a letter from the Norwich Dutch church, dated 14 Dec. 1604, stating that several ministers in this country intended to abandon their ministries rather than submit to the prescribed ceremonies. 'Hence Joannes van Peene, born of Netherland parents, and understanding Dutch, but a minister amongst the English, has requested us to appoint him as our second minister, as his conscience will not allow him to sign the book' (iii. 1637). The mother church replied, 23 Dec., to the effect that many others found it difficult to observe or sign the ordinances of the bishops, but that it would be better to exhort van Peene not to abandon his congregation without grave reasons (iii. 1638). The foreign churches grieved much at the death of Queen Elizabeth in 1603, when Ruytinck recorded 'she was truly a mother in Israel and a refuge to the strangers.'³⁰

No open interference in English church or state politics was allowed by the Dutch churches. The London church wrote to the minister of the Dutch congregation at Mortlake, 31 Jan. 1663-4, that they heard that he preached in English in the Dutch church. 'Our Consistory have ordered me [Calandrini] to forbid you absolutely from doing so, also from meddling with affairs which concern the state or church government of England either in your sermons or prayers, Dutch or English, which is entirely against our orders and might cause great misfortune to the foreign churches of this country' (iii. 3638).

Any matters concerning uniformity in the church of England always attracted the close attention of the Dutch church of London. Accordingly the proceedings of the Hampton Court conference, which opened 14 Jan. 1604, are minutely reported in Ruytinck's history of the Dutch in England, both sides of the controversy being given.³¹ Again, great interest was taken in the scheme, so dear to James I, for the unity of Christendom. Full particulars of the proceedings and arguments of de Dominis, archbishop of Spalato, and the part taken in these in February, 1618, by Ruytinck, on the part of the Dutch church, and Marie as minister of the French church of London, are given in the same record.³²

The exactions of James I in 1619, on the excuse that the Dutch merchants of London had exported bullion and corn beyond the seas, contrary to the provisions of old statutes, greatly impoverished the richer members of the congregation. Many were fined by a decree of the Star Chamber to a

²⁹ Newcourt, *Rep.*

³⁰ Ruytinck, p. 172,

³¹ *Ibid.* p. 179 *et seq.*

³² *Ibid.* p. 312, &c.

total amount of 140,000*l.*, and they had finally to pay 60,000*l.*, before the king was satisfied.³³ Shortly after this, which greatly injured the position of the church, as all their expenses and the relief of their poor were provided by the voluntary contributions of the members, the poorer ones fell into the clutches of the new commissioners for aliens, who ordered yearly lists of all the strangers and then levied so much per head, with larger amounts to be paid by employers. By grant the proceeds were paid to the marquis of Buckingham and Lord Hertford, who interested themselves deeply in this business, which promised to be so lucrative to them. On petition, however, to the privy council in 1622, showing the disastrous effect on the trade of the country, all proceedings of the commission were stayed by order dated 7 March.³⁴

Great trouble again came to the foreign churches twelve years later by the result of the visitation of all churches, hospitals, houses for the poor, and schools within the diocese and province of Canterbury by Archbishop Laud, under the powers of a special commission given by Charles I, dated 1 March, 1634. Laud had determined to do all he could to suppress the foreign churches of England, the privileges of which he considered as bad precedents, as tending to strengthen the growing nonconforming puritans. He held that, if those who were alien born had a right to worship in the authorised foreign churches, their children and descendants born in England should be compelled to attend their parish churches, and that the ministers and others alien born should at once use the English liturgy translated into Dutch or French. Laud knew well that if he could enforce this the congregations would soon come to an end, if alone by the want of funds to support them, the rich Dutch and French merchants being as a rule native born. The French churches submitted first after a long and hard struggle, the archbishop having consented that the native born subjects of the first descent should remain members of their foreign churches, but that those of the second descent in their congregations must obey the injunctions. It was not, however, until June 1637 that the Dutch church of Colchester submitted, the London church having sullenly given way on 10 May (iii. 2448). The effect was to drive away very many of the congregations to the new settlements of America, and it is stated that no less than two thousand went from Norwich alone in the year 1636. It was, however, soon found to be possible to evade the orders imposed, which were contrary to what were called the 'fundamentals' of the privileges of the foreign churches of England. Formal observance only was made as regarded the parish churches, while attendance also was given in their old places of worship; those coerced to become members of the church of England being admitted to the sacrament in the foreign churches as before, but as 'passants' or those going from place to place. The archbishop also found that his orders were 'executed more or less, as the ministers and churchwardens [of the parish churches] stood affected to the congregations.' He therefore drew up certain articles, directing fresh regulations for attendance in the English places of worship. After the death of Archbishop Laud in 1645, nothing more was heard of the injunctions in

³³ Ruytinx, p. 345, &c.; Moens, *Dutch Church Reg.*, intr. p. xxxi, &c.

³⁴ *State Papers, Domestic*, Hessels' *Arch.*, and Moens, *Reg.*

the foreign churches, but it was long before the subject was forgotten by the members.³⁵ By an order of the House of Lords, dated 21 Jan. 1648, their old privileges were restored, and it was added that no person of their congregations, under censure of their discipline, should be received as member of any other church without a certificate of his own church (iii. 2701).

The lawlessness and licence exercised during the Commonwealth, and the fact that war against the Dutch was declared by Parliament besides the imposition on the Dutch community of Colchester of 6,000*l.*, being one half of the whole ransom levied on that town, when taken by Fairfax in 1648 (iii. 3010), caused the foreign families in England to alter their political opinions, which, on account of the oppression they had suffered during the reigns of James I and Charles I, had been strongly in favour of the Commonwealth party. On the Restoration they heartily welcomed Charles II with their congratulations, and again found the favour of the parliament and privy council. The Act of Uniformity, 1662, § 15, expressly provided 'that the penalties of this Act shall not extend to the foreigners or aliens of the foreign reformed churches allowed or to be allowed by the king's majesty, his heirs and successors in England.' When the Occasional Conformity Bill of 1702 was considered by the House of Commons, a clause to exempt these churches was lost, but in the Upper House an amendment was carried securing their former liberties and privileges. On the bill going back to the Commons, as amended, it was again lost, and on the Lords insisting on the clause the bill dropped (iii. 4099).

The destruction of the greater part of the city of London by fire in 1666 greatly impoverished the members of the church, but providentially the fire, though it nearly approached, did not reach the Austin Friars church, so that the Dutch residents in London had not the additional grief of seeing their 'Jesus Tempel' consumed by the flames, as were nearly all of the city parish churches, and also the French church in Threadneedle Street, which was rebuilt by voluntary subscriptions. During the reigns of Charles II and James II the congregation was greatly reduced in numbers, many going to Holland, while others attended the parish churches, having married English wives; but the numbers increased again on the accession of William and Mary.

The interests of the working-class members were closely looked after. A club on the modern friendly societies lines was organised in January, 1668-9, when the deacons formally engaged to supervise matters. This may be the first instance of such institutions, but there were many other instances among the French churches of London in the following century. The bookkeeper and treasurer collected the contributions of the members, which were handed to the deacons to form a sick fund. On demand of the club officials payments were made to sick or injured members, but under the control of the deacons. If the club came to an end the funds were to go for the benefit of the poor of the church, but it was to continue as long as one member remained on the books. The rules were varied by a majority of the members if deemed necessary,

³⁵ I. Bulteel's relation; Moens, *The Walloons and their Church at Norwich*; Hessels' *Arch.*

and these all pledged their persons and property for carrying out the rules (iii. 3723). It would be interesting to search the deacons' accounts for particulars of the success of this scheme.

Soon after the accession to the throne of William and Mary, a Dutch chapel royal was established at St. James's Palace in 1689, where service was held until the year 1809 when it was discontinued, the registers being now in the keeping of the Registrar-General, those of the Austin Friars church not having been given up when those of all the other foreign churches of England were deposited at Somerset House.³⁶

The condition of the church in 1720 was still assured and prosperous. There were then two ministers, who preached twice on Sundays. The sacrament was administered on the last Sunday of each month, while the use of the church was allowed to the French congregation on the first Sunday, as their numbers had again increased so much that the Thread-needle Street church was 'too strait' for them. Their poor were still maintained by the contributions of the congregation, made at the church door whenever a sermon was preached, and the interest of the trust funds bequeathed for their support. The further course of the church was very peaceful, nothing apparently disturbing the harmony of the community until 1818, when personal dissensions arose between the ministers, Jan Werninck and Rutger Seyen Ten Harmsen, when the elders and deacons did all in their power to settle matters 'in a brotherly manner.' Dr. Howley had been formally appointed superintendent in 1818 on his becoming bishop of London, and in that capacity he wrote, 14 April 1820, to the Consistory, expressing his satisfaction at the happy termination of this dispute, stating 'that they [the ministers] had agreed to bury all their resentments in sincere mutual forgiveness.' His lordship concluded by 'expressing the high interest I take in the concerns of the Dutch church in Austin Friars and the pleasure I shall feel in promoting its welfare on all occasions' (iii. 4293). Since this time it does not appear that any occasion has arisen for the intervention of the bishop of London in the affairs of the Dutch church of London.

Besides matters connected with their own and other foreign churches in England, there are very many letters in the 'Archivum' referring to churches in the Netherlands and Germany, also to the Dutch churches in America and at the Cape of Good Hope. Details of the struggles between the United Provinces of Holland and the Spaniards in the sixteenth century are given, which are of great interest, and also particulars of the large monetary help, besides aid in troops and military stores, which are obtainable from no other source.

The same applies to the part England took in the troubles of the Palatinate. The privy council, by circular letters to peers, bishops, deans, and others, solicited voluntary gifts, while Roman Catholics were committed for contributing to the cause of the emperor. Parliament pledged itself to rescue religion and recover the Palatinate. Peter van Lore, an elder of the Dutch church, was knighted, he with two others having advanced 30,000*l.* for the cause. The archbishop of Canterbury and the bishop of Lincoln, as keeper of the great seal, required the bishops

³⁶ Vide *Somerset House Calendar of Foreign Churches*.

to arrange for the speedy collection of contributions from all the clergy, who were cited for refusing and suspended from office for non-appearance. Dr. Winniffe (afterwards dean of St. Paul's) was committed to the Tower for comparing, in a sermon at Whitehall, the Palatinate to a soul in hell and Spinola to the devil, from whom it was impossible to get back the soul. Two voluntary subsidies were levied as free gifts, the proceeds being sent to the king of Bohemia. High sheriffs, justices, mayors, and bailiffs were requested to give according to their means, and when they had contributed were ordered to call on all knights, gentlemen, and subsidy men one by one, 'choosing efficient collectors,' and to return the names of those who will pay, those who refuse, and those who profess to pay elsewhere. Collections in churches and chapels were made by royal briefs of 29 Jan. 1628, 30 June 1629, and 19 August 1630, for the distressed ministers and others of the Palatinate, with the result of 9,794*l.* 1*s.* 7*d.*, which was remitted and paid over in small sums after careful investigation by the Austin Friars Consistory, to whom the charge of distributing this large sum was given. True sympathy and help was freely shown by the church of England and its foreign congregations to Protestant Germany in the seventeenth century, minute details and accounts being preserved in the archives of the Dutch church. Space fails to refer to other subjects of interest, but Mr. Hessels's exhaustive index to this publication, containing 8,149 pages, makes reference easy for students of these political, ecclesiastical, and domestic records; the importance of which cannot be overrated. The Consistory of the Dutch church of London are to be congratulated on this great work brought to a happy end through the choice of the editor and by the very large expenditure necessary for such a vast undertaking, which few corporations could have ventured to undertake.

W. J. C. MOENS.

A History of the English Church during the Civil Wars and the Commonwealth (1640-1660). By WILLIAM A. SHAW, Litt. D. 2 vols. (London: Longmans. 1900.)

THIS valuable work appears under a certain disadvantage from being ushered into the world under a title which gives an imperfect, not to say erroneous, impression of its scope and character. If the title had been 'A History of the Relations of Church and State during the Civil Wars,' &c., it would certainly have given a more accurate idea of the author's aim and of the actual contents. It elucidates, as no previous work has done, the process of that memorable revolution whereby the whole organisation of the church of England was temporarily swept away, and an entirely new system erected in its place. In the vast array of facts here marshalled together we have the counterpart of John Walker's equally laborious folio. Walker, dealing with the same period, depicts the sufferings of the dispossessed clergy; Mr. Shaw illustrates the general condition, also not without its difficulties and perplexities, of the intruded Commonwealth ministers. And as the former laboured over the lords' journals in their unpublished state, so the latter has systematically studied both the lords' and commons' journals in the form in which they are now accessible.

The work consists of only four chapters—(i.) 'The Ecclesiastical

Debates and Legislation of the Long Parliament up to the Meeting of the Assembly of Divines ;' (ii.) 'The Constructive Work of the Assembly of Divines ;' (iii.) 'The Presbyterian System ;' (iv.) 'Patronage and Financial Administration.' It is in connexion with the third subject that the author breaks altogether fresh ground, and more especially introduces the reader to much that is entirely new. He frankly confesses, however, that he has found the evidence 'hopelessly scattered,' 'the scribes of the various classical associations having quietly walked off with the records when the Restoration came, and either destroyed them or handed them down to their descendants as private property.'¹

It was not, it would seem, until the year 1646, when, to quote the quaint expression of Martindale, 'the Presbyterial and Congregationall governments were like Jacob and Esau struggling in the wombe,' that the attention of parliament was first seriously directed to the obstacles that hindered the erection of the presbyterian government. In April 1647 a series of recommendations was adopted by the house with a view to a remedy ; but the county returns were handed over to the 'Committee for the Enumerations' to deal with, and from that time 'all sight of the subject of them is lost sight of in the journals, save for an occasional order by the house for that committee to meet' (ii. 16). Imperfect, however, as is the evidence, it suffices to enable our author to arrive at very definite conclusions. Presbyterianism in England was not a voluntary system ; if it had been 'it would have grown from the bottom upwards ;' but the 'classis,' the organisation provided by parliament, was the starting-point from whence the entire organisation was 'to grow downwards.' As a system, however, presbyterianism was 'adopted voluntarily much more widely than has hitherto been supposed.' The 'nominated parliamentary classis' must be looked upon as simply the scaffolding, supported by which the properly constituted classis—composed of elders *freely* elected into a parish eldership, and *freely* delegated from such elderships to the classis—arose. When the former had accomplished its purpose it was withdrawn, and disappeared. Mr. Shaw even goes so far as to say that 'it would not appear to have been *at any time* in the mind or intention of the legislature that, failing the establishment of a voluntary elective classis, the nominated classis should continue to exist, and should work in lieu thereof' (ii. 28).

Before the war broke out the commons had addressed itself to the remedying of one almost generally admitted want—'the great scarcity of preaching ministers throughout the whole kingdom.' 'Without dispossessing the lawful incumbent,' says Mr. Shaw, 'the commons recommended or sanctioned a lecturer for a particular parish, who was ordered by the house to lease the use of the church and the pulpit for, say, the afternoon of the Sabbath, and for some day (preferably the market day) in the week, for the purpose of preaching a lecture. . . . The lecture in each particular case was a new creation, supported voluntarily by the parishioners. The ordinary endowment of the church was neither touched nor contemplated' (ii. 182-4). When, however, the war had commenced, this regard for vested rights altogether disappeared. If the incumbent remained at his post in a district where the parliamentary

¹ Preface, p. xi.

forces were dominant he was ejected; if he fled he was charged with 'delinquency,' 'that term being used by parliament as a peg whereon to hang any variety of summary and violent proceeding;' and delinquency involved the forfeiture of both cure and home. In such cases parliament could not evade the obligation of making some provision for the sequestered clergyman and his family, but at first this aid was somewhat capriciously afforded. It was not until July 1648 that it was resolved by the commons to make a rule on the subject, and the local committees were then instructed not to allow more than the fifth part of the living. On the other hand there were the parliamentary ministers who had been ejected by the royalist soldiery—'godly, painful, pious, orthodox, and of good conversation.' And in order to make some provision for these the all-potent 'Committee for Plundered Ministers' was created, 31 Dec. 1642. It is in the growth of the powers of the body thus created that Mr. Shaw finds 'the explanation of the hitherto most unexplained problem of Commonwealth church history.' On 21 April 1652 the Committee for the Reformation of the Universities was dissolved, and in the following February its powers were transferred to the Committee for Plundered Ministers, which 'had now the further function of an ecclesiastical commission, disposing of a large and vested fund for certain definite objects, viz. grants of maintenance to particular clergymen [not to parishes] or of increase of maintenance in cases of poor incumbencies' (ii. 225). This is undoubtedly an important explanation, which I cannot remember to have seen in any previous writer.

In contrasting the position of the Presbyterian and Independent bodies Mr. Shaw is of opinion that 'to all intents and purposes, from 1646 to 1660, and certainly from 1649 to 1660, an Independent congregation stood in the same relation to the nominal state Presbyterian system that an Independent congregation stands in to the Church of England to-day' (ii. 127). They were, at least till the establishment of the Triers by Cromwell's ordinance in 1654, systems standing side by side, but not troubling each other. But while this was the case with regard to church organisation and to patrimony it was not true of the presbyterian *discipline*, at which 'the triumph of the army in 1649 struck a death-blow.' 'The fact is all the more strange because Independent and Presbyterian alike contended for consistorial discipline as for a shibboleth. The result can only be attributed to the fact that the withdrawal of the civil sanction or of the favour of the civil power took all the penal strength out of the church censures—Independent and Presbyterian alike—and the moment such jurisdiction loses its penal character and becomes voluntary it is practically inoperative' (ii. 136). While, again, the presbyterian discipline was encouraged by legislation 'from above,' by the institution of the parliamentary classis, it was sometimes undermined from below by the refusal of the laity to avail themselves of the right to appoint elders.

At the present time, when so many pens are busily employed on the subject of county histories, these volumes afford most opportune guidance for parish history between the years 1646 and 1660. This material is embodied in the appendices, to which an elaborate index of more than a hundred pages makes reference easy both as regards places and names. As Mr

Shaw observes, 'parochial histories invariably break down over the Commonwealth period;' but he points out that this is not merely the result of later prejudice. It was uncertain at the time who really was to be regarded as the incumbent; the work of episcopal ordination came almost entirely to a standstill and admissions were accordingly not registered; while no register whatever was kept of such ordinations as were performed by the presbyteries. On pp. xiii-xiv of the preface he gives some valuable suggestions to those who are endeavouring to construct a list of the incumbents during this period.

To not a few readers it will probably appear a matter for regret that Mr. Shaw should have confined himself so rigidly, especially in his two later chapters, to what is parliamentary and legal, to the exclusion of facts which might have served somewhat to enliven his narrative. It would have been of interest, for example, to have heard all about that notable proposal of a parliamentary committee in 1651 to demolish the cathedrals throughout the land—an instructive episode which, when we compare it with the work of the French revolutionists, shows how fanaticism and scepticism often lead to like issues. His attention, again, has apparently not been directed to that remarkable toleration proclamation of Cromwell of 15 Feb. 1653, which, supervening as it did on the denunciation of 'damnable heresies' pronounced by the recently dissolved parliament, seems to breathe a spirit worthy of Bacon or Selden. It is in the British Museum (press mark 669 f. 19, no. 71), and we may rest assured will not pass unnoticed in Mr. Gardiner's forthcoming volume.

Taken as a whole these volumes are a most substantial contribution to the historical literature of our country. They fill up a gap which has long baffled the research of many a careful investigator of the period preceding the Restoration, and not least among the author's claims upon our gratitude are the self-restraint and the impartiality which allow others to see the facts for themselves uncoloured and undistorted.

J. BASS MULLINGER.

Oliver Cromwell and the Rule of the Puritans in England. By CHARLES [H.] FIRTH. (New York and London: G. P. Putnam's Sons. 1900.)

CROMWELL'S life may reasonably be divided into two parts by the dissolution of the Long Parliament. Before that event he was bound by his party and his superiors—a man under authority, though sometimes treating that authority with considerable freedom. Afterwards he deliberately took his part in moulding or attempting to mould the institutions of the state, as well as the domestic or foreign policy of the country. Of Mr. Firth's mode of dealing with the earlier part of his hero's career it is difficult to speak too highly. If, after all, he tells no more than what has come to be the accepted story, one need not blame him for that, especially when one remembers how much of the accepted story is founded on his own laborious investigations. This book is, as he informs us, in part based upon an article contributed by the author to the 'Dictionary of National Biography,' and during the first few chapters the reader is somewhat conscious of the 'no flowers by request' flavour of that excellent work. One would like to find Mr. Firth looking a little more backwards and forwards, and placing the movements he describes in a

wider setting of past and future developments of political and constitutional action. The absence of this is the more to be regretted because, in his admirable chapter on Cromwell in Ireland, he has shown himself fully capable of giving that wide instruction which is the salt of history, and one can but imagine that in writing this book he was gradually educating himself in the art of rising from the mode of recording life as suitable to a dictionary to the mode of recording it suitable for an independent work. Nor should it be forgotten that an author writing for a series with a fixed number of pages allotted to him is distinctly cramped for room—especially when his subject is a spacious one—and that he writes not what he would, but so much as is permitted. What is here presented to us makes us desirous of seeing the author reappearing within limits of his own choosing. A life of Cromwell from his pen of three or four times the length of the present work would give us the biography of that great man which it would be hard to beat.

Mr. Firth's Irish chapter must be read to be appreciated. As a specimen we may take his reflexions on that well-worn theme, the massacre at Drogheda (p. 260):—

Cromwell, in short, regarded himself, in Carlyle's words, as 'the minister of God's justice, doing God's judgment on the enemies of God!' but only fanatics can look upon him in that light. His justice was an imperfect, indiscriminating, human justice, too much alloyed with revenge, and, as St. James says, *Ira viri non operatur iustitiam Dei*. Politically these massacres were a blunder—their memory still helps to separate the two races Cromwell wished to unite. From a military point of view, however, they were for a short time as successful as Cromwell hoped, in saving further effusion of blood.

It would be difficult to find any calmer, truer judgment than this.

In the remainder of this first part of the book, the reader who knows the subject is rarely struck with any error not of an infinitesimal kind. For the most part the story is told with singular lucidity, the most notable exception being, strangely enough, the account of the battle of Dunbar, in which we are told that 'Cromwell himself came up with the reserve, consisting of three regiments of foot and one of horse.' Nothing is said to show that these were the same as those indicated in the map as crossing the stream below Broxmouth House, nor is there anything in the map to direct our attention to Cromwell's flank attack of which much is made in the text, the only troops placed in the map apart from the general line of battle being shown as marching, the foot on the rear of their own right, and the horse on their own centre. Nor does one see why the opposing armies should be styled royalists and parliamentarians rather than Scots and English. The mistake—so far as it is one—is at all events preferable to the one made in the Naseby plan, where Fairfax's troops are called royalists, and Charles's parliamentarians. Mr. Firth has still to learn what unceasing vigilance is needed to control the best of map-makers.

In the later part of Cromwell's career, two points stand prominently forward—the Protector's relations with his parliaments and his treatment of foreign affairs. So far as the former is concerned, it is needless to say that Mr. Firth has far greater knowledge than that possessed by some of his critics, who can see nothing further than Cromwell's anxiety to found

a constitutional government, and hold that he was baffled simply by the recalcitrance of the army. Mr. Firth at least credits the Protector with constitutional views of his own, and rightly holds that the rock on which he split was parliamentary rather than military. Yet, for all that, he hardly seems to have grasped, at least completely, the constitutional position assumed by the Protector, or to have asked himself how far that position was a mere temporary outcome of the situation, or how far it was based on a prevision of some elements entering into that constitution which was finally accepted by Englishmen, and which, in its essential elements, has stood for two centuries without change. To put the question in another way:—Within the last few months a statue of Cromwell has been erected in close proximity to the houses of parliament, and it may well be asked whether there is not some incongruity in this juxtaposition. There can be little doubt that more than nine out of ten of Cromwell's admirers would acknowledge the incongruity. Cromwell, they would say, was a great man, worthy of all admiration; but he broke as many parliaments as Charles I, and his statue ought to have been raised at least as far off from the houses of parliament as that of the king at Charing Cross, though it would have been advisable to place it in the opposite direction, in order to avoid a conflict between the respective admirers of the two historical personages.

To deliver a satisfactory judgment in this respect it is necessary to have a thorough understanding of the history of the first protectorate parliament. To those who are right about that, other things will fall easily into their places. To those who are wrong, no further knowledge will enable them to grasp the constitutional position of the protectorate. Mr. Firth, it must be admitted, has given what is, far and away, the most accurate account yet published of the proceedings of that parliament. With the exception of a curious slip by which it is stated that parliament 'restricted the Protector's veto over legislation,' whereas they really attempted to give him a veto where he had none before, there is nothing to complain of in his statement of facts, though it might have been well to add that though parliament proposed to cut down the standing army to 30,000, there is every reason to believe that it intended to fill up the place of the disbanded soldiers with a militia under the control of the local authorities. It is easy to see how objectionable such a scheme would be in Cromwell's eyes, but it ought not to have been left unmentioned.

What is lacking in Mr. Firth's account of this parliament is that general appreciation of the constitutional position without which Cromwell cannot be judged with complete fairness. No doubt the strongest weapon in the armoury of the opposition is well put by him when he ascribes to them the view that to 'admit the right of any external power to limit the authority of parliament seemed to both [republican parties] a betrayal of the liberty of the nation.' Mr. Firth, of course, knows quite well what a juggle is concealed under this word 'parliament.' The single house without check or control between one election and another carried with it dangers of which England has known nothing from the Restoration to the present day. The house of commons now works under restraints which the Bradshaws and the Hazleriggs were determined to reject. It can make no laws without the approval of the house of lords. It

cannot vote a penny save at the proposition of a minister of the crown. It is liable to dissolution upon the advice of the prime minister at a moment's notice. Such an assembly may have and has enormous powers. It is not, and cannot, by any one with ordinary political intelligence, be styled a sovereign assembly. What Cromwell fought against, and rightly fought against, was the sovereignty of a single house. His methods were no doubt crude—the circumstances of the time forbade them to be otherwise; but he stood on the side at least of the spirit of our modern parliamentary constitution, which has developed itself by quite other methods than any that the Protector dreamed of, yet after all in accordance with his general conception of that which was wise and right. There is no reason why our present parliament should, on constitutional grounds, be ashamed of the neighbourhood of Cromwell's statue.

Mr. Firth, who rightly shows that the final breach between the Protector and his first parliament came out of the army question, and not out of the question of toleration, has hardly put the difficulty in a form accurately representing the facts. His view is thus given (p. 418):—

At the same time [parliament] insisted that the control of the military forces of the nation should belong to parliament, not to the Protector. On this question Oliver could not yield. In his opinion and in the opinion of his council, 30,000 men were not sufficient to keep the three nations in peace.

This, however, is not exactly accurate. No doubt the Protector disliked the disbandment, though he carried it out himself to a great extent a few months later. What caused the breach was that the house, though ready to grant supplies sufficient to keep up the 30,000 men for about five years, left the whole question of the financial basis of the military establishment to be settled afresh when that period elapsed. The Protector reasonably argued that, with such a lever in its hands, the house might overthrow at its pleasure any constitutional barrier which might be erected against its omnipotence. If later generations have decided against the Protector's methods of contending against the danger, it is not because they have found the danger unreal, but because they have called in the nation itself as arbiter. Unfortunately Cromwell was not in a position to do what William III did with ease.

When once this fundamental object of the Protector is grasped, his anxiety to work with parliament without allowing parliament to be omnipotent, all that has been said by Mr. Firth and others about his inconsistency falls into a secondary place. The inconsistency was there, but it was an inconsistency with respect to means alone. There was no inconsistency as to aim. Though Cromwell, as Mr. Firth rightly points out, placed the interests of religious people before the interests of the nation as a whole, it should not be forgotten that his mode of showing favour to religious people was by establishing as far as was then possible a régime of liberty, not by granting them exclusive privileges.

In dealing with the foreign policy of the protectorate, Mr. Firth puts the causes of Cromwell's mistakes in a few words (p. 22):—

When he became Protector, his European policy was inspired by the passions of the Thirty Years' War. Its memories governed his attitude towards Austria and Sweden; he imagined that Leopold I [Ferdinand III] would be more to the

purpose] was a second Ferdinand II, and dreamt of finding a new Gustavus in Charles X.

When he comes to deal with Cromwell's Baltic policy in detail, Mr. Firth might have laid more stress on the extraordinary infatuation with which the Protector convinced himself that the Roman catholic governments had entered on a general conspiracy against all protestant ones; but after all it is impossible to convey a full account of Cromwell's foreign policy in twenty pages, and to grasp his views on the 'protestant interest' it would be necessary to master the very considerable number of books—some of them published since Mr. Firth's book was sent to press—which have issued during the last few years from the German and Swedish press. When, as is much to be hoped, Mr. Firth gives us a life of Cromwell on a larger scale, he will no doubt give his attention to these sources of information. When he does, he will see that there was the widest possible gulf between the persecution of protestants in the territories of Roman catholic powers and the imaginary combination between Spanish and Austrian Habsburgs to destroy Protestantism in Europe.

SAMUEL R. GARDINER.

Papst Innocenz XI, 1676-1689: Beiträge zur Geschichte seiner Politik und zur Charakteristik seiner Persönlichkeit. Von Dr. MAX IMMICH. (Berlin: Speyer und Peters. 1900.)

ADOPTING an order of procedure worthy of unqualified praise, Dr. Max Immich has followed up his recent research¹ into a specially notable and laborious effort of papal diplomacy under Innocent XI by a general inquiry into the principles and motives of the policy by which it was dictated. The effort in question was intended to avert, or at all events delay, the outbreak of a conflict between France and the empire concerning the settlement of the Palatinate after the death, in 1685, of the elector Charles; and Dr. Immich's study of it has enabled him to base the concluding portion of his present essay upon a comparison at first hand of secretarial instructions and nunciatory reports with the briefs officially indicating the views and intentions of the Curia. The whole is an outline rather than a survey, but an outline from first to last full of suggestiveness, and likely to prove useful to those students of the European crisis of 1688 who, while acknowledging that much light has been thrown upon its history by such labours as those of Onno Klopp, are aware that light, like most other things, calls for analysis.

Dr. Immich takes an early opportunity of placing on record, in opposition to Klopp and to Gérin (for whose detached contributions to the history of this pontificate he shows more respect than for the voluminous work of Michaud), his low estimate of the statesmanship and personal intelligence of Pope Innocent XI. He was not even well trained in ecclesiastical lore, and in secular politics he wholly lacked the invaluable gift of seeing with other eyes than his own. With an immovable belief in the rights of the holy see to the widest extent of authority to which any of his predecessors had laid claim, he combined the conviction, that he held a divine commission to work for peace among the chief powers of the west and for uniting them in resistance against the Turk, as the arch-foe

¹ See the ENGLISH HISTORICAL REVIEW, vol. xiv. (January 1899), pp. 169-70.

of their common faith. Herein lies the key to his changeful but consistent policy, not in any set antagonism to French influence or even to the particular system of self-aggrandisement dictated by the arrogance of the eldest son of the church, and still less in any inclination towards protestant ideas, in any notion of reunion except of one sort, or in any sympathy with tolerance unless as a political necessity. It was the fate of this the most pacific of popes that his pontificate began and ended with a practically general European war. He was not so pedantic as to follow the example of his predecessor in declining a share in the work of pacification at Nimeguen because of its being carried on *in partibus infidelium*; and his protest against the peace actually concluded was purely formal, and applied only to the Nimeguen confirmation of the peace of Westphalia, whose concessions to the heretics the Curia had met with an inevitable *non possumus*. Of far greater significance were his contemporary positive efforts at Vienna and Warsaw for offensive operations against the Turks; and the provisional compact of 1678 between Poland and the sultan, due to French influence, may have first apprised him of the futility of the hopes placed by him, as they had been by no less an intelligence than that of Leibniz only a few years earlier, upon the 'pan-Christian' enthusiasm of Lewis XIV. As a matter of fact the French king had nothing more at heart than the preservation of a good understanding between Poland and the Turks, such as would enable the latter to throw their whole strength against the emperor. But neither was Leopold I inclined to lend a favourable ear to the warlike overtures of John Sobiesky, to which Innocent XI gave every diplomatic support in his power, and to which he was even ready to respond with a contribution from the exhausted papal treasury. The eyes of the emperor and the empire were turned westward, in constant apprehension of fresh spoliations and of designs which would not be satisfied till the imperial throne itself should have been compassed. The pope deprecated the aggressive policy of Lewis XIV, but he was far from desirous of joining or heading a league against him, whether in Italy or in Europe at large; nor is there any reason for ascribing to feelings of antagonism against the king of France and his policy either the attitude which no pontiff possessed by the convictions of Innocent XI could have failed to take up in the conflict about the *regale*, or his courageous action some years later in the matter of the *franchises des quartiers*, really a question of Roman police and as such of vital interest to the credit of the papacy.

The Austro-Polish alliance against the Turks of March 1683, and the subsequent victory of Sobiesky before Vienna, signified a triumph of the ideas of Pope Innocent XI, but it was a short-lived one. The Ratisbon compact of 1684, though not his work, was thoroughly acceptable to him as 'making peace between the kings,' and it is noteworthy how indifferent he was to the circumstance that all the gains of the provisional settlement accrued to France. Indeed, he proposed that the provisional cessions should be rendered permanent, and that Lorraine should be definitively made over to France, Duke Charles being compensated with (say) Transylvania. But his ulterior hopes were to prove as futile as this particular project, and his scheme of uniting Lewis and Leopold against the Turk was to be overwhelmed by the outbreak of the war of the grand alliance

in the year of his death. He had, as we know, at one time entertained a reasonable hope of mediating with success in the question of the Palatinate inheritance; and when Lewis XIV had chosen to make an international grievance of the Augsburg alliance of 1686 the pope had warmly advocated its annulment. The later phases in his bearing both as to the revocation of the edict of Nantes and the consequent persecutions, and as to the religious policy of James II in England, were dictated solely by his apprehensions of a European war. Gradually the action of Lewis XIV removed all doubts as to the certainty of the conflict; but even in the Cologne election dispute Innocent XI's action was at least formally neutral, while that of the king, in the eruption of his wrath which ensued, forfeited the last pretext of dignity or measure. Strangely enough the courageous determination of Leopold to carry on simultaneously the war against the Turks and that against the western enemy of the empire was not due to the influence of the papal diplomacy; at this very time Innocent XI found himself forced to lower the amount of his pecuniary support of the crusade. Not the less must he be allowed to have materially contributed during his pontificate to the success of the cause which was nearest to his heart, while, as Dr. Immich justly observes, he at the same time did much towards the establishment of the Austro-Hungarian state and towards the shifting of the centre of gravity of the Habsburg monarchy.

A. W. WARD.

Thomas Paine et la Révolution dans les Deux Mondes. Par MONCURE D. CONWAY. Traduit de l'Anglais par FÉLIX RABBE. (Paris: Plon. 1900.)

The Writings of Thomas Paine. Collected and edited by MONCURE D. CONWAY. Vols. II.-IV. (London and New York: G. P. Putnam's Sons. 1894-6.)

SINCE the publication of his life of Paine in 1892 Mr. Conway has completed his edition of Paine's works, collecting in the process much new information about their author which was not before him when the biography was originally written. This new material and whatever additional matter has come to hand since 1896 are incorporated in the French version of the life now published. The book is not merely a translation of the English life; it has been recast throughout, and while the accounts of Paine's early life and his last years in America have been considerably abridged, his career during the French revolution is treated with greater fulness and clearness. For the history of either the French or American revolution, or for that of the democratic movement in England, these books are indispensable. Mr. Conway's researches have been wide and thorough. The text of Paine's writings has been carefully revised, and all circumstances connected with their publication minutely examined. In short, the editor's work has been well done, and though Mr. Conway's view of Paine is too one-sided to be accepted he has cleared Paine's memory of many false charges, and produced an effective vindication of his character, if not a judicial estimate of his career and influence.

It will be convenient to call attention to some of the new documents contained in this French life as compared with the English life of 1892.

Mr. J. G. Alger has given the author very valuable help. Paine's part in drawing up the constitution published in Condorcet's works, the place where he lived while in Paris, his connexion with the Theophilanthropists, and the precise date of Robespierre's damnatory note about his intended accusation are all cleared up by Mr. Alger's assistance (pp. 265, 291, 308, 391). From notes by Paine himself, written in a copy of the 'Age of Reason,' which was lately discovered in New York, Mr. Conway has obtained Paine's own account of his arrest in December 1793 (p. 321), and from the archives of the French Foreign Office he has obtained conclusive proof of the tortuous intrigues by which Gouverneur Morris succeeded in preventing his release (p. 339; cf. 'Writings of Thomas Paine,' iii. 159). Two letters from Jefferson to Paine are added, one from the Jefferson MSS., the other from the edition of his writings by Mr. P. L. Ford (pp. 313, 409). There is also a very remarkable letter from William Quittance, a Quaker, written in 1812, in answer to an English friend, giving an enthusiastically favourable account of Paine's character and conduct. 'If Paine's soul is not saved,' concludes Quittance, 'all its cruelty, vanity, and vexation of spirit' (p. 430). Amongst other documents of special note are two memoirs by Beaumarchais on the aid given by France to the American revolution (pp. 73, 76, 85), a remarkable letter from Washington to Joseph Jones, 31 May 1780, on the weakness of congress and the increasing impotence of the American government (p. 117), and a fragment of the autobiography of E. C. Genet about his relations with Dumouriez and the Girondists, and concerning the execution of Louis XVI (pp. 436-50). There are also less important additions and illustrations of Paine's career, drawn from different sources, many of which have been previously published in Mr. Conway's prefaces to his different writings.

To conclude with a few criticisms of detail, it is unfortunate that twice over Mr. Conway should quote, to confirm his conclusions, the 'Journal of a Spy in Paris during the Reign of Terror,' by Raoul Hesdin (p. 332; cf. 'Writings of Thomas Paine,' iv. 13). He appears not to have seen the conclusive proof published in this REVIEW (xi. 594) that the so-called contemporary journal is a modern *jeu d'esprit*. In the second place, the address sent by the London Constitutional Society to the Jacobin Club in May 1792, quoted on p. 210, is to be found printed in the Reports of the Committee of Secrecy of the House of Commons on the papers, belonging to the Society for Constitutional Information, &c., printed in 1794, at p. 24 of the Edinburgh edition of the appendix to the second report. It differs slightly from the two versions used by Mr. Conway. The address was read on 11 May 1792, and ordered to be published on 18 May. At this second meeting there was read a letter from Paine, dated 18 May 1792, announcing that, in view of his intended prosecution by the ministry and for other reasons, he was preparing to get out a cheap edition of the 'Rights of Man.' This letter seems to have escaped Mr. Conway's notice (*ibid.* p. 26). On 15 June the society resolved to open a subscription for Paine's benefit, and there are many other references to him in the letters addressed to the society.

It is also worth noting that Paine's song on the death of

General Wolfe¹ continued to be popular for many years, and was printed as a broadside by Pitts, Jennings, and other balladmongers of Seven Dials. Songs against Paine are very numerous, especially in the publications of the Society for Preserving Liberty and Property against Republicans and Levellers. See *Association Papers*, pt. ii. no. 3, p. 16; no. 4, p. 15; nos. 5, 14. Others, such as 'Tom Paine's Life' and 'The Reformer of England,' were printed as broadsides, doubtless for the same society, though they bear no printer's name. C. H. FIRTH.

The Campaign of 1815. By WILLIAM O'CONNOR MORRIS. (London: Grant Richards. 1900.)

MORE has been written about the Waterloo campaign than about perhaps any event in history, and for very sufficient reasons. It keenly interests, and in different ways, the three foremost literary nations, and it was in itself highly remarkable. It was the shortest campaign on record: Napoleon's army began crossing the Belgian frontier on Thursday morning, and had ceased to exist by nightfall on Sunday. It was unusually dramatic in its vicissitudes and in the completeness of the catastrophe. It closed in total ruin the most extraordinary career in history. It ushered in a long period of European peace, during which new inventions began a great revolution in military methods, so that it in fact terminated an epoch in the history of the art of war. The evidence about it is vast in quantity, ranging from the actual orders given by the commanders-in-chief to the memoirs of simple captains and individual letters. Testimony of eye-witnesses exists in ample amount about almost every point of detail, but is often discrepant, and no more is likely to be unearthed. The historian is, therefore, driven to choosing the version of this or that detail which seems to him most in keeping with other known facts, and with his general conception of the whole.

Under these circumstances it is no wonder that many books have been written about it, and doubtless more will be written. The fascination of the subject may excuse, but hardly justifies, an author who devotes a large volume to reproducing in their extremest form views which have long ago been adduced, weighed, and found to be grossly exaggerated. It is fair to say that Mr. O'Connor Morris in his preface gives the reader ample notice that he is a violent partisan. Works which on the whole take something like his own view he declares to be impartial; those which take a different line are stigmatised as incorrect or unfair. No doubt he is constitutionally unable, like some more distinguished men, to understand how any human being can honestly dissent from what he is himself convinced of. Nothing but genuine self-deception of this kind can explain his treating as admirable Napoleon's St. Helena lucubrations, and denouncing every objection to their *bona fides* as contemptible and carping criticism.

Mr. O'Connor Morris carries his passionate admiration for Napoleon to very great lengths. He repeats in their most violent form the stock attacks directed against the other actors in the drama. The strategy of the allies was faulty to childishness: Wellington only escaped richly deserved defeat through the blunders of Napoleon's subordinates, aided by the unexpected

¹ *Writings*, iv. 477.

endurance of his own troops : Napoleon's plan of campaign was a miracle of skill, and the failures in execution were not his fault, but his misfortune. What cannot be denied to have been the result of his own orders is ascribed to illness overclouding his faculties ; what can by any straining be imputed to others is unhesitatingly put down to their gross disobedience or equally gross incompetence. Mr. O'Connor Morris has read to singularly little purpose if he really believes that the emperor was in the habit of giving to his lieutenants merely general indications of the task he desired them to discharge, and putting on them the responsibility of devising the means. Every one who has studied Napoleon's Correspondence with his eyes open knows that the exact contrary is more often true : his orders go into detail to an unusual extent. Given Napoleon's extraordinary mastery of detail, this method was natural, and in many cases answered well ; but he often carried it too far, and then, like his inveterate habit of expecting people to fulfil his orders without adequate means, it worked mischief. Indeed the defeats sustained by his generals when holding separate command have often been said to be largely due to this : they were expected to carry out to the letter the commands of their master, and lost the habit of independent judgment.

There were, of course, sundry mistakes made on both sides ; there never was a campaign without them. Some were genuine mistakes, like Napoleon's own over-readiness to assume that the Prussians would retreat eastwards after Ligny, or like Reille's allowing his whole corps to be drawn into the attack on Hougoumont, and so letting it be neutralised by a force amounting to a mere fraction of its strength. Others were more or less justified by the knowledge possessed at the moment, though that knowledge proved afterwards to have been incorrect or defective. Thus when Wellington, on the afternoon of 15 June, postponed ordering the concentration of his army on Nivelles, he only knew that French troops had crossed the frontier towards Charleroi about 3 A.M. If he had received this news eight hours earlier, as he well might, with later reports showing the strength of their advance, the whole course of events would probably have been different. It is reasonable enough to point out, in the light of after knowledge, that this or that step, or omission, or delay, led to unfortunate consequences, or was only saved from entailing disaster by a corresponding mistake on the part of the enemy. It is quite another thing to distribute praise and blame in accordance not with what the generals then knew, but with what the critic has since discovered. Still less profitable and reasonable is it to isolate a particular movement, and to assume that if that had been carried out in a totally different way the enemy would have taken no steps to counteract it.

It is on Grouchy's management of his separate command that Napoleon's adulators lay the most stress. According to them Napoleon would have won Waterloo, or at least not have been defeated, but for Grouchy's misconduct. Mr. O'Connor Morris waxes eloquent on this topic, going so far as to dub Grouchy the evil genius of France. If there are degrees in infallibility, he is more cocksure on this than on any other point in the whole campaign. Let us see, then, on what this unhesitating verdict rests.

On the morrow of Ligny Napoleon placed some 38,000 men under Grouchy, who was to follow up the defeated Prussians. He informed Grouchy verbally that he should pursue Wellington, whom he rightly assumed to be in retreat from Quatre Bras, and attack him if he stood to fight south of the forest of Soignes. After this he gave him some written orders, which were the only ones that Grouchy received till too late on the 18th to be of any practical use. These orders, after detailing the force entrusted to Grouchy, ran as follows :—

Vous vous ferez éclairer sur la direction de Namur et de Maestricht, et vous poursuivrez l'ennemi. Éclairer sa marche et instruisez-moi de ses mouvements, de manière que je puisse pénétrer ce qu'il veut faire. Je porte mon quartier général aux Quatre-Chemins, où ce matin étaient encore les Anglais. Notre communication sera donc directe par la route pavée de Namur. . . . Il est important de pénétrer ce que l'ennemi veut faire : ou il se sépare des Anglais, ou ils veulent se réunir encore pour couvrir Bruxelles et Liège, en tentant le sort d'une nouvelle bataille. Dans tous les cas tenez constamment vos deux corps d'infanterie réunis dans une lieue de terrain, et occupez tous les soirs une bonne position militaire, ayant plusieurs débouchés de retraite.

The instructions to pursue the Prussians and to communicate by the Namur-Nivelles road are definite enough. The last clause obviously contemplates a prolonged detachment of Grouchy's command, instead of reunion with the main body next day, and another conflict with the Prussians when they should have retreated far enough to be able to offer battle again. The language about the enemy's possible purpose is, on the contrary, more than vague. Either Blücher is going to separate from the English (which is what Napoleon at the time believed, from the very imperfect reconnaissance made by his cavalry that morning) or the allies are going to unite to cover Brussels and Liège—a thing impossible on the face of it. It is, indeed, suggested that *et* between the two names is a mere slip of the pen for *ou*, but it was equally impossible for Wellington so to move as to join Blücher in a position for covering Liège. Anyhow these conjectures give Grouchy no help: they leave him with the one definite duty of following up the Prussians. He certainly did not do this with all possible vigour, but this was not altogether his fault. His subordinates, Gérard and Vandamme, both resented being put under his orders and were difficult to manage. His infantry had borne the brunt of the fighting at Ligny, which lasted till past 10 o'clock at night, and were therefore by no means fresh. It took time also to obtain information about the enemy. All things considered, he cannot be fairly blamed for not advancing further than Gembloux that evening; but he clearly might have moved on the 18th much earlier than, in fact, he did.

The second item of the indictment against Grouchy is that he ought on the 18th to have moved straight on the bridges of the Dyle. He had by that time ascertained that a large part of the Prussian army had retreated on Wavre, from whence it was possible for them to march westwards to join Wellington. Therefore, it is said, Grouchy obviously ought to have crossed the Dyle at once: if Blücher was moving northwards he could be followed as well on one bank as on the other; if westwards, it was essential that he should be attacked and prevented from helping Wellington. This view has some *prima-facie* force, but it is open to one

serious objection. The passage of the Dyle must be a very slow business : the bridge at Mousty was then only a wooden foot bridge ; that at Ottignies—the more distant of the two—was indeed of stone, but was narrow, and was approached by a bad country road leading diagonally down a steep slope—an ideal place for guns and wagons to get into trouble. For 38,000 men to cross by these bridges would have involved a delay greater or less according to the exact order of march and other details, but for which three hours is a very small estimate. The Prussians, who were not asleep, would have had ample time to resist and still further delay the passage of Grouchy's army, even if they did not succeed in entirely preventing it. To do this they might very probably have employed not only Thielemann's corps, which was in fact left at Wavre to contain Grouchy, but also Pirch's ; but Bülow had already started for Waterloo long before Grouchy could have reached Ottignies. Both he and Ziethen could have marched to Waterloo undisturbed, and it was they who turned the scale there. It is quite true that Blücher or Gneisenau might have committed the gross error of suspending the vital movement of the campaign in order to face what could only be a detachment from the French army ; but it is absurd to take for granted that they would have been guilty of such folly, and, unless they had done so, Grouchy's passage of the Dyle could at best have achieved little. That he would have done well to attempt it is a perfectly reasonable view, but it is not reasonable to declare that his not doing so was inexcusable neglect of a plain duty.

Grouchy's information led him to believe, as his report to Napoleon shows, that the bulk of the Prussian army was retreating on Brussels, and that some part of it was to the north-east of him. To cross the Dyle was to open to the latter free access to Napoleon's communications, and also to delay his pursuit of the main body, which could not be prevented from joining Wellington if the latter was also retiring on Brussels, as was likely enough, but might be harassed on its march. Seeing what an exacting master Napoleon was, how implicitly he expected to be obeyed, and how much more likely he was to be right than wrong in his military judgment, it was no wonder that Grouchy acted on the letter of his instructions. It is a flagrant instance of Napoleon's habitual unfairness in shifting blame on to his lieutenants that he, at St. Helena, spoke of this as a gross dereliction of duty, seeing that he himself in the despatch dated 10 A.M. on the 18th approved Grouchy's intended movement on Wavre, then in process of execution. It is true that Marbot represents himself as having been sent immediately afterwards by Napoleon to meet Grouchy, who would be coming across the Dyle at Ottignies. No one, however, who knows how much romancing there is in Marbot's memoirs, to say nothing of careless errors, will hesitate to prefer the evidence of a written document ; and, after all, Marbot's story might only have been antedated two or three hours. The suggestion that the despatch was Soult's, and that he misrepresented his master's meaning, is an instance of the desperate straits to which Napoleon's advocates are reduced. It is inconceivable that if he was impatiently looking for Grouchy's appearance he should have given Soult any instructions but to say so. Three hours later Napoleon had awakened to his danger

from Blücher, and then his orders to Grouchy were plain enough, though necessarily too late. If Napoleon, the incomparable strategist, possessing the same information as Grouchy about the Prussians, and the knowledge of Wellington's position, which Grouchy could not have, had not foreseen the chance that Blücher would move westwards from Wavre to join Wellington at Waterloo, why is Grouchy to be denounced as an incapable blunderer because he did not discern it as certain ?

The line of march on Walhain, which Grouchy followed on the morning of the 18th, is not perceptibly longer, as a careful study of the very perplexing cross roads will show, than any other route from Gembloux to Ottignies. Hence he was, in fact, losing nothing by pursuing it, though no one on his behalf has even suggested, among the confused and not always candid pleas employed to meet the storm of censure directed at him, that he had in his mind at that time any idea of making for the bridges of the Dyle. While his force was halted for food the opening cannonade at Waterloo began. Gérard and others urged Grouchy to march to the cannon, and there was a stormy debate in the garden of the house at Walhain, where they were breakfasting. Grouchy, however, decided to abide by the emperor's instructions as he understood them, and for this he has been generally condemned. To attempt crossing the Dyle could do no harm, and might have been productive of some little good. Whatever he did, however, could have made no material difference at Waterloo, as a little consideration of facts relating to the ground will suffice to show.

In all that part of Belgium the highroads are roughly paved ; they are perfectly solid, but fatiguing, and therefore slow to walk over, especially when rain has coated the stones with dirt. The cross roads are little better than cart tracks, affording fairly good going in dry weather, but deep in mud after rain. The only difference between the state of things now and in 1815 is that a few more roads have been paved, notably that of Blücher's march. Moreover the ground is extremely uneven, though the differences of level are nowhere much over 200 feet,¹ and many of the little slopes are steep. East of the Dyle the country is more nearly level ; the difficulties to troops marching there, after the very heavy rain of 17 June, must have been the same in kind, though less in degree, as those encountered by Bülow's men, which prevented their accomplishing above a mile an hour, in spite of all Blücher's zeal in urging them on ; and Grouchy's march west of the Dyle would have been over ground closely resembling that traversed by Bülow, though nowhere quite so high as St. Lambert. Now Walhain is distant from Ottignies about six and a half miles as the crow flies, and the roads are winding and indirect, so that practically the distance was at least eight miles of miry lanes, growing worse for each successive battalion. A straight line on the map from Ottignies to Maransart measures about five miles, but the ground is more hilly and the roads equally indirect, so that the distance to be marched is nearly seven ; and even at Maransart Grouchy's troops would have had to get up out of the muddy ravine of the Lasne, which caused Bülow so much delay and trouble. It was nearly 12 o'clock when the Waterloo

¹ This was my own estimate of the height of St. Lambert above the Lasne ; my companion, long habituated to judge of heights, thought the difference greater.

cannon opened. Assuming that Grouchy's men had then finished their midday meal, and could have moved off in a few minutes, they had to accomplish, before they could approach the battle-field, fifteen miles over ground such as has been described, besides the passage of the Dyle, which must necessarily have involved much delay as the bridges then were. Moreover the soldiers alone, with no guns and no ammunition carts, would have been of little use; and the history of Bülow's march shows what time and labour it cost that day to bring them along. A fast walker, trying in how short a time he could cover the distance, with the ground miry from rain, but in colder weather, found that he could not manage more than two and a quarter miles per hour from Walhain to Planchenoit. It is a very sanguine estimate to calculate that a body of troops, whatever their eagerness, would move at more than two-thirds of the pace of a single pedestrian, who moreover was in no way impeded by the bridges. Is it credible that a single man of Grouchy's army, apart from cavalry, which might doubtless have moved faster at the cost of cutting up the lanes in front of the infantry, could have reached Waterloo that night, even if the Prussians had not resisted their march?

Of course it is argued that Grouchy need never have approached Waterloo, that the mere fact of his appearance on the scene would have paralysed the Prussians and saved Napoleon. This might have been the case earlier in the day, as has been already said, if the Prussians had been foolish enough to be so easily scared. But by the time the head of Grouchy's force, leaving Walhain at midday,³ could have begun to cross the Dyle, Bülow was already engaged and Ziethen marching by the northern road. If Thielemann had not moved in time to dispute Grouchy's passage, Pirch might have been held back, no doubt; but, seeing how small was the share which Pirch's corps had in the battle of Waterloo, this would have counted for little. Grouchy's narrow view of his duty prevented his trying the experiment; but it is only on the map, not on the real ground, that he could have saved Napoleon from defeat.

Reliance upon what appears on the face of a map, while ignoring the details of ground and other matters which a map, from the nature of the case, cannot show, is a dangerous mistake for commanders in the field, as all the world knows, and it is an equally fruitful source of error in military criticism. Whether Mr. O'Connor Morris has ever seen the theatre of the Waterloo campaign does not appear; if so he has made poor use of his eyes. Perhaps he only follows the statements of previous writers, and he certainly does not go nearly so far wrong as many of them about the topography. Thiers, for instance, the first writer to give wide currency to the Grouchy fable, misrepresents distances, &c., with an audacity probably unequalled since. Whether it was worth while to dish up again a story which Thiers has already set forth with great brilliancy of style, and exceptional skill in garbling facts, is a question which hardly needs a direct answer.

H. B. GEORGE.

The *Semitic Series*, which aims at stating 'in popularly scientific form' the results of recent research in the history of the Semitic races, opens

³ Part of Grouchy's troops were in advance of Walhain, but by the time that orders reached them they would have had no appreciable start: they would merely have formed the head of his column.

with *Babylonians and Assyrians : Life and Customs*, by the Rev. A. H. Sayce (London: Nimmo, 1900). It is always a pleasure to read Professor Sayce. There is never a hitch in his argument, and barely a suggestion of difficulty in one of the most difficult of studies. Yet the volume is disappointing. We seem to have read it all before in the author's 'Hibbert Lectures' (1887), in his 'Early Israel' (1899), and other works. Unless, therefore, some new facts are presented or some defects corrected, we fail to see the need for repeating what has been well enough said before. Professor Sayce is so full of his subject that he evidently has no trouble in producing volume after volume on hardly varying aspects of the same theme, but for that very reason we are justified in expecting that he will take account of the most recent discoveries and the conclusions or speculations based upon them. This is just what we do not find. The same views which he held when evidence was scanty he now holds, when the accumulation of facts might at least have modified them. For instance, 'we have no reason to dispute' the date, 8800 B.C., assigned to Sargon of Akkad, and it is not mentioned that some competent scholars put him nearly 1,000 years later; the old story about Chedorlaomer is again put forward (happily with a corrective note by the editor), although Scheil's translation of the letter is now, we believe, universally discredited. There seems to be no hint of the difficulties of the great Sumerian question. There are, besides, several smaller points in which the Professor disturbs our confidence by ignoring the results of recent research. Throughout the volume there is a tendency to emphasise resemblances and to pass lightly over differences, an almost oriental effort to please the popular reader. The misprints are numerous: e.g. *Arisch* for *Arioch*, and *hundredths* for *hundredth* (p. 114); *lingua panca* (p. 157); *uniform* for *cuneiform* (p. 205); *weight* for *night* (p. 266). Whatever may be said of the spellings 'honor' and 'labor,' 'neighborhood' seems quite inexcusable. X.

The first two volumes of the *Mélanges de Littérature et d'Histoire Religieuse, publiés à l'occasion du Jubilé Episcopal de Monseigneur de Cabrières, Evêque de Montpellier*, were noticed in this REVIEW, ante, p. 192. A third volume of over 600 pages (Paris: A. Picard, 1899) completes the publication which commemorates Monseigneur de Cabrières's episcopal jubilee, and its bulk bears eloquent testimony to the high estimation in which he is held. In the present volume the paper most likely to prove of interest to English readers is that of M. Ulysse Chevalier, the famous bibliographer, on the renaissance of liturgical studies. Two parts of the same memoir have appeared elsewhere, one relating to England in *L'Université Catholique* of 1897. The present part gives a bibliography of recent works under the names of the French bishoprics and abbeys. M. Chevalier's paper is followed by another which is likewise of interest to bibliographers, by M. Emile Bonnet, on works relating to the diocese of Maguelone-Montpellier. M. B.

The interest attaching to the history of the Abbey of Fulda and the many forgeries which perplex students of its documents make us welcome the prospect of a *Codex Diplomaticus Fuldensis*. For such a work Professor E. Heydenreich has prepared the way by an elaborate, if somewhat confused,

account of the earliest existing cartulary of the monastery, which is remarkable as being written in part by Anglo-Saxon hands of the ninth century (*Das älteste Fuldaer Cartular im Staatsarchive zu Marburg*. Leipzig: Teubner, 1899). The cartulary was previously by no means unknown, but had never been adequately described and analysed. The present essay, though not in all respects satisfactory, marks a step in advance. It is illustrated by two good photographic facsimiles. Y.

The Descriptive Catalogue of Ancient Deeds in the Public Record Office, of which the first volume appeared in 1890, has now reached its third (London: H.M. Stationery Office, 1900), which, besides continuing the series of deeds of the treasury of the receipt of the exchequer, those formerly in the court of augmentations, and those of the court of chancery, breaks ground upon a new class, the deeds of the queen's remembrancer's department of the exchequer. Altogether the three volumes give an account of more than 15,000 documents. It would have been more methodical if each class had been described in a separate series of volumes, but we are not sure that for practical purposes anything is lost by the arrangement adopted; for the great majority of the deeds consist of ordinary grants of land, of all dates from the twelfth to the sixteenth century, and their appearance in one or another collection is almost a matter of chance. The bonds to Jews in the queen's remembrancer's department are of special interest. It is a pity that in the index of places all entries are mixed together, and it does not state whether a place is that to which a deed relates or that at which it was drawn up, or, again, that to which one of the parties or witnesses belonged. In the last case the entry seems to be repeated in the index of persons, and might therefore have been omitted in the index of places. We note the point because it is through the indexes that this mass of miscellaneous materials will have to be used; they should therefore be made as serviceable as they can be made. Z.

The third book of Dr. Alexander Cartellieri's exhaustive biography, *Philip II August, König von Frankreich* (Leipzig: F. Meyer, 1900), has all the merits of the earlier sections, with some additional attractions. We have now a table of contents, an index, notes, a collection of unprinted documents, and four genealogical tables. To the text are also prefixed two prefaces, one of 1898, one of 1900. The method of printing and arrangement are indeed a little chaotic; but when once they are mastered there is nothing but admiration to be given to Dr. Cartellieri's minute and satisfying investigation. The present book is concerned with the third stage of Philip's career, that of the contest with Henry II, and it concludes with the English king's death. Among details of special interest may be observed the sketch of Bela III of Hungary, who married the widowed Margaret, the account of the fatal illness of Geoffrey, son of Henry II, various references to connexions with the eastern empire, including Henry II's vigorous description, to the inquiring Manuel, of the martial qualities of the Welsh, the characterisation of William, archbishop of Rheims, and the appreciation (though hardly, perhaps, in sufficient detail) of the important position of

Tournai. The volume shows that Dr. Cartellieri knows the English chroniclers as well as his earlier instalment proved him to know the Frankish and Burgundian. The only addition that one might desire to the present volume is a fuller discussion of the question of Anjou and the seneschalship of France. We do not understand why Dr. Cartellieri gives his hero the territorial style *König von Frankreich*, unusual, if not indeed unknown, among the chroniclers. Among the documents printed for the first time are some interesting letters as to the dowries of Margaret and Adalais. In the first of these Philip, writing to Henry II, says bluntly, *Soror nostra questione multiplici nos pulsat cottidie. Nec debemus nec volumus sustinere quod eam dote sua presumitis defraudare.*

W. H. H.

In *La Politique Pontificale et le Retour du Saint-Siège à Rome en 1376* (Paris: E. Bouillon, 1899) M. Léon Mirot carefully dissects the somewhat complicated European situation, which made the return of Gregory XI to Rome ultimately inevitable, but postponed it until the autumn of 1376. It is a very competent historical study, mainly based upon the author's researches in the Vatican archives while a member of the French School in Rome. An appendix contains the expenses of the return from the roll of papal accounts preserved there. In printing these documents M. Mirot had been anticipated by Monsignor Kirsch in a volume of the Görres-Gesellschaft publications, but in the classified form in which he presents them they will be more useful to the historical student. The historian of Edward III's reign will find a good analysis of those efforts of Gregory to bring about peace between England and France, his anxiety to complete which contributed as much as anything to retard his departure from Avignon.

J. T.

Dr. Thomas Wilson's *Blue-Beard: a Contribution to History and Folk-Lore* (New York: G. P. Putnam's Sons, 1899) is a terribly amateurish piece of work. The identification of the notorious Marshal Gilles de Retz with the nursery Bluebeard is accepted without discussion, though it was little children and not wives that this almost incredible criminal made away with. An uncritical bibliography of the Bluebeard story has no claim to be considered a contribution to folklore, and Dr. Wilson's ability to add to historical knowledge may be gauged by his statement (p. 13) that Edward III was king of England in 1420 and an ally of Philip the Good of Burgundy, and by his evident impression (p. 18) that the English conquests in France in the fifteenth century were chiefly in the south. The author gives an English version of considerable portions of the original Latin record of the marshal's trial, but no confidence can be felt in a translator who as often as not leaves the proper names in the genitive or ablative case. His conception of the relative value of authorities is illustrated by the juxtaposition of references to Quicherat's elaborate 'Procès de Jeanne d'Arc' and a forgotten life of that heroine by Harriet Parr. It is news too to learn that Sir Henry Maine wrote 'a great work on the "History of Common Law"' (p. 96).

J. T.

As a result of careful study of the material already available, to which he has added by personal researches among the Paris and Lyons

archives, M. H. Hauser presents us with a clear and popular account of the condition of the working classes in France during a period of which we know, perhaps, less than of those which preceded and followed it (*Ouvriers du Temps Passé; XV^e-XVI^e Siècles*. Paris: Félix Alcan, 1899). The old conditions under which the organisation of labour was more or less uniform and stable were passing away; many forces were at work producing change in many directions, and affecting the industrial no less than the political and the religious system. M. Hauser contends that during the fifteenth and sixteenth centuries, and until the edict of 1581, the *villes jurées*, in which labour was organised, were in a minority, and were not uniformly successful in attaining their ends. In many places, especially where royal influence was powerful, industry was regulated on the model of the Paris crafts, but freedom of labour, unhampered by corporate restrictions, was more common. In either case, however, it seems clear that in France the rank and file of the workers were passing through evil days. Long hours of work, unequal conditions of contract, in some cases a maximum wage fixed by external authority, and allowing inadequately for a rise in general prices, increasing difficulty in obtaining recognition as master craftsmen, repeated attempts to suppress their fraternities and combinations—all these conditions would seem to justify M. Hauser's general conclusion that while the master may have reaped a considerable harvest the journeyman and the apprentice had little reason to consider the period as a golden age. A vivid and detailed description of a *tric*, or strike, among the journeymen printers of Lyons, and of a similar agitation among their fellows at Paris about the same time, is curiously modern in its details as to methods and aims. The struggle almost completely suspended work for more than three years (1539-1542) in the workshops; then, by royal edicts, the masters were enabled to hold their own in all matters under dispute. But the demand of the master printers for further support from the crown nearly thirty years later shows how unsuccessful were the edicts in crushing the spirit of the men who continued to combine and to resist. E. A. MCA.

Miss Annie Hamilton has now reached the last century of her task (*History of the City of Rome in the Middle Ages*, by Ferdinand Gregorovius, translated from the fourth German edition. Vol. vii. parts 1 and 2. London: Bell, 1900), for these volumes extend to the death of Alexander VI in 1503, while they also comprise the valuable chapters on the Renaissance of Italy in the fifteenth century. They yield, therefore, to none of their predecessors in the interest of the subject matter, while practice has conferred upon the translator a lighter touch than she could claim at her first essay. A.

The Acts of Uniformity: their Scope and Effect, by T. A. Lacey, M.A. (London: Rivingtons, 1900), is a short essay which deserves the notice of students of ecclesiastical history, for Mr. Lacey makes his points clearly, and some of them, if not absolutely new, are newly fashioned. In particular he has a theory which seems plausible about the mysterious paper at the Record Office which endeavours to assert that in the first year of Elizabeth the Book of Common Prayer was sanctioned by Convocation. That first and last parliament has done very little in the way of compiling

or altering Prayer Books, Mr. Lacey ably argues. He seems, however, to be going too far or to be using words in an unusual sense when, as we read him, he denies that the Prayer Book was 'authorised' by or bore the 'authority' of parliament. If, to use an illustration of his own, parliament commanded that Euclid's 'Elements' and no other book of geometry should be read in the universities, surely parliament would have 'authorised' this book. B.

In *Die englische Diplomatie in Deutschland zur Zeit Eduards VI und Mariens* (Breslau: M. and H. Marcus, 1900), his inaugural dissertation for the doctorate in Breslau University, Dr. Arnold Oskar Meyer wisely does not attempt to narrate the history of English diplomacy in Germany during those reigns. In his first part Dr. Meyer describes the *technique* of English diplomacy in the sixteenth century; he shows under what conditions English diplomatists worked, by what means they collected their information and forwarded their despatches, how they were treated by their own and foreign courts, and how their services were requited. In the second part he gives adequate and interesting accounts of the various ambassadors and agents employed in Germany, of their respective religious and political views, of the nature of the information they supplied and its varying degrees of credibility. The idea of the dissertation is an excellent one, and it is a matter for regret that similar technological studies of other departments of government are so rarely produced, especially in England. So far as it goes Dr. Meyer's is a thorough piece of work; he gives a useful bibliography, and his list of errata in the 'Calendar of Foreign State Papers' shows that he has used his authorities with acuteness and discrimination. It is a pity that its uncalendared and generally chaotic state debarred him from using the diplomatic correspondence of the time preserved among the Harleian and Cottonian MSS. in the British Museum. A. F. P.

Dr. W. Behring has published a pamphlet, *Beiträge zur Geschichte der Stadt Elbing*, as a first instalment *Zur Geschichte des 'Danziger Anlaufs'* (Elbing, 1900). In 1577 the king of Poland transferred the staple of Polish goods from rebellious Dauszig to Elbing, where the townspeople, only too glad to damage their commercial rival, allowed the Poles to trade directly with merchants abroad. But as soon as the king had given up the siege of Danzig the Danzigers, assisted by Danish ships, surprised Elbing, fired its suburbs, and barricaded its port. One of the consequences of the bitter hatred thus aroused between the neighbouring Baltic towns was the privilege of English merchants to reside at Elbing. It is this 'English residence' of which the author is making a special study, the present paper forming its introduction. He appends eight unedited documents of 1577 in Latin, German, and Danish. F. L.

With the publication of *The Narrative of General Venables*, and the accompanying papers, edited by Mr. C. H. Firth for the Royal Historical Society (London: Longmans, Green, & Co., 1900), added to the already published material, the final conclusion would seem to be reached with regard to the British expedition to the West Indies in 1655. We cannot but realise that Venables was an indifferent general, who received indifferent treat-

ment; that the expedition was mismanaged and bungled over from the first, and that it was mainly the good fortune which has played so great a part in English history which gave us, as its outcome, Jamaica. The volume makes a very welcome supplement to the *Clarke Papers*.

H. E. E.

Major Hume, who had already written a history of Spain down to the death of Charles III in 1788, has now in *Modern Spain, 1788-1898* (London: T. Fisher Unwin, 1899), continued the story of that country down to the present period. It can have been no easy task to describe within the limits of the *Story of the Nations* series the involved and often obscure course of modern Spanish history. But the author's great personal knowledge of the subject, his residence in Spain, his acquaintance with the language, and the oral traditions, which he has received from relatives and friends, have enabled him to write a vivid and interesting account of Charles IV and Godoy; of the memorable *Dós de Mayo*; the Peninsular war; the despotism of Fernando VII; the origin of Carlism, which he pronounces to be now dead; the 'Spanish marriages,' the blame for which, he thinks, was not wholly with the French; the complex character of Isabel II, whom he considers 'as much sinned against as sinning'; the utter chaos at her fall; the unchivalrous treatment of Amadeo by the Spaniards; the well-meaning efforts of Alphonso XII; and the tactful conduct of the present queen regent. The short economic, literary, and artistic summaries afford a relief to the constant *pronunciamentos*. But a careful perusal of the book reveals a number of small errors which require revision. The spelling of proper names is arbitrary: thus Major Hume sometimes writes 'Ferdinand' and sometimes 'Fernando,' sometimes 'Corunna' and sometimes 'Coruña,' in one place 'Tetuan' and in another 'Teutan'; while 'Pi/nitz' with one 'l' and 'Tuilleries' with two, 'Luneville' without an accent and 'Pozzi di Borgo' are monstrous. 'Charles IX' (p. 275) is a slip for 'Charles X'; the same person appears now as 'Colvo' and now as 'Calvo,' the same place now as 'Port St. Mary' and now as 'Port St. Mary's,' and the printer has mangled several French words on pp. 145 n., 151 n., and 389. In a long sentence on p. 128 the grammar disappears, while 'it' and 'they,' both referring to the same noun, are awkward (p. 415). The repeated use of 'voyage' for a land journey is also more French than English.

W. M.

In one respect the fourth volume of Mr. James Ford Rhodes's *History of the United States from the Compromise of 1850* (London: Macmillan & Co., 1899) shows an improvement upon those which have been already criticised in this REVIEW. He has learnt to deal with military operations more vividly and effectively. His descriptions of the battle of Gettysburg and the capture of Vicksburg are better than anything in the earlier volumes. Mr. Rhodes, too, shows the same combination of earnest conviction with sober and judicial moderation. One serious defect, however, runs through the whole book. We hear nothing of the internal affairs of the southern confederation, of the temper and hopes of her people, of the character of her leading statesmen and soldiers. It might be Mr. Rhodes's intention

to supplement this in another volume, but if so the intended arrangement is somewhat curious. As it is there is something rather anomalous in a history of the war of secession from which we gain no definite conception of Lee and Jackson as soldiers, of Davies and Benjamin as politicians. The conduct of the war on the northern side bristles with controversial issues. Mr. Rhodes seems somewhat too lenient to the gross ineptitude of that pretentious blunderer Pope; he shows no wish to palliate Grant's failings as a man, but he deals tenderly with his worst military error, his persistent waste of life in the battles of the wilderness. On the other hand he hardly does justice to the patient labour whereby McClellan and Halleck converted the brave, undisciplined mob of Bull Run into the finished weapon with which Meade and Grant and Sherman won their victories. But even if we grant these defects (and their existence is a matter of opinion) Mr. Rhodes's last volume still remains, with the one strange omission which I have noted, a full, intelligent, and eminently honest history of the great struggle against slavery.

J. A. D.

CORRESPONDENCE

'THE MEDIEVAL EMPIRE.'

I WISH, without disputing general impressions, to comment upon some points in Mr. Bass Mullinger's review of my book upon the 'Medieval Empire,' which appeared in the last number of this REVIEW.

1. The conclusions which I formed after reading the evidence for early Bavarian history were (a) that since the conquest of Theodebert Bavaria was theoretically regarded as part of the Frankish empire, (β) that there was very little sign of racial feeling in Bavaria or of racial opposition to the Franks. In this respect Bavaria is a contrast to Saxony. I am willing to admit that the Frankish supremacy was for long periods not practically exercised—at any rate there are gaps in the evidence—and also that from time to time the Bavarian dukes conspired against the Franks. A document of Charles the Great says *ducatus Baioarie ex regno nostro Francorum aliquibus temporibus infideliter per malignos homines Odilonem et Tassilonem alienatus fuit*,¹ indicating at once the theory and the fact of resistance to it. But I was studying the question of racial feeling, and the intrigues of the ducal family—which was probably Frankish in origin—did not concern me. The accounts given of Odilo's campaign in 743 bear out my view. He summons Saxons and Slaves, not to speak of Aquitanians, and yet one battle gives his country to the Franks. I am sure that if my critic goes to the evidence with the question before his mind, 'Was there any strong racial feeling in Bavaria in the seventh or eighth century?' he will agree with me.

2. My critic proceeds: "It is a remarkable fact," observes Mr. Fisher, "that the *Agilofing dukes have left no memories behind them*. The dynasty fell without a protest" (i. 61). This statement is very remarkable indeed.'

¹ Kleinmayern, *Juvavia*, 'Diplomatischer Anhang,' n. 8, p. 48.

The italics and the first full stop are my critic's, and my own explanation of both statements is omitted. I wrote as follows:—

It is a remarkable fact that the Agilolfing [Mr. Mullinger properly corrects a stupid misprint] dukes left no memories behind them; that the Bavarian folk songs know Alboin and Dietrich of Bern, but have no word for Odilo and Tassilo; that not a single Bavarian chronicler has illustrated this period of his nation's history; and that, despite the fact that the last three Bavarian dukes founded more churches and monasteries than any other medieval rulers in the same space of time, only one saga connected with an Agilolfing can be shown to have been concocted in a Bavarian cloister. The dynasty fell without a protest, and the Bavarians fought as faithfully under the Swabian prefect Gerold as they had fought under Duke Tassilo.

I might well have said that they fought more faithfully.

I submit that this passage is substantially true, that proposition (1) must be interpreted in the light of the special illustration which I give it, that proposition (2) is supported by the fact that there was no battle in 787, and that with the exception of the Avar trouble, promoted by Tassilo himself, there was no further disturbance.

3. My critic is very ironical about my statement that in 907 'the Bavarian race was almost entirely destroyed in battle by the Hungarians. Christian culture perished utterly out of Pannonia.' And yet Huber's words² are not very different.

Wenige Schlachten sind von gleich wichtigen Folgen begleitet wie die von 907. Die deutsche Herrschaft über Pannonien war für immer vernichtet, die deutschen Ansiedelungen in den Ebenen um den Plattensee und an den östlichen Anhängen des Wiener Waldes durch barbarische Reiterschaaren niedergetreten.

4. My critic is quite right in pointing out that a sentence of mine upon the towns in the royal domain might give rise to erroneous inferences. I am grateful for the correction.

5. 'Equally unsatisfactory,' says Mr. Mullinger, 'is the manner in which he compares, while missing the true points of comparison, the town life of Germany and of Italy in the twelfth century.'

I was *not* comparing the town life of Germany and Italy in the twelfth century in the passage alluded to (ii. 148), but the condition of the fief-holding nobility. Consequently the criticism that I miss 'the true points of comparison' falls to the ground; so too the statement that I should have described 'the contemporaneous rise of the commune in France, the free city in Germany, and the Italian republic.' The title of my chapter is 'Imperial Legislation in Italy.'

6. My critic quarrels with my statement that the rural nobility in Italy were comparatively insignificant in numbers and importance. Why? Because we know that there were turbulent counts and barons in central and southern Italy. But (1) I have freely acknowledged the existence of these beings in various parts of my book; (2) many of these had town houses—an important consideration in connexion with feudal law, as the possession of a town house tended to weaken the feudal at the expense of the municipal tie.

² *Gesch. Oesterr.* i. 125. My use of the term 'Pannonian border' (vol. i. p. 62) might have shown my critic that I was not confusing Pannonia with Bavaria.

7. Mr. Mullinger finds an inconsistency in my treatment of feudal legislation in Italy. He says that 'in writing on the state of feudal relations in Barbarossa's time' I draw a contrast between the Italian law, which favoured alienation by the vassal, and the German law, which did not, whereas elsewhere I admit that Lothar eighteen years before had prohibited alienation. As a matter of fact I was not writing of feudal relations in Barbarossa's time on pp. 148-9 of vol. ii., but of the state of Italian customary law before the emperors interfered with it. Conrad II comes on p. 152 and Frederick I on p. 161. I admit, however, that pp. 148-9 are ambiguous, and that I ought to have made the indication of time clearer.³ But even if my critic had been right in his supposition, Barbarossa's reissue of Lothar's prohibition would tend to show that Lothar's edict had not been completely effectual. In any case the general contrast between the practice in both countries is admitted, and no one familiar with the literature of the subject would regard my statement as 'proof of a systematic endeavour to find a perpetual antithesis between the two kingdoms.'

I do not wish to discuss the large question of the contrast between Italy and Germany. My opinion has been formed after six years' work upon the subject and many tergiversations. It may be quite worthless, but it is honestly come by, and I certainly was not conscious of being influenced by system, bias, or brief.

8. It is a nice point whether one may cite 'Otton. Fris. Gesta,' iv., when, as every one knows, the fourth book of Otto of Freising was written after his death by Rahewin. The headline in the 'Monumenta,' SS., xx., runs—
'*Otonis Frisingensis episcopi et Ragewini Liber IV.*'

I have omitted *et Ragewini*. This was injudicious, because it has brought Mr. Mullinger down on me. Was it also wrong? It is brief, and sends the reader where I want him to go.

H. A. L. FISHER.

³ Mr. Mullinger was, no doubt, misled by my illustration from the signatures to Barbarossa's charters.

Notices of Periodical Publications

[Contributions to these Notices, whether regular or occasional, are invited. They should be drawn up on the pattern of those printed below, and addressed to Mr. R. L. Poole, at Oxford, by the first week in March, June, September, and December.]

- The early episcopal lists*: by C. H. TURNER. II: Jerusalem [unhistorical].—*Journ. Theol. Stud.* i. 4. July.
- On the earliest literature concerning the origin of the episcopate*: by S. VON DUNIN-BORKOWSKI [who takes the statements of St. Jerome, 'Ambrosiaster,' and Theodore of Mopsuestia as based more upon exegesis of the Pauline epistles than upon a genuine tradition; and examines their influence upon canonical and other literature down to the schoolmen].—*Hist. Jahrb.* xxi. 2. 3.
- On Eusebius of Vercelli*: by A. E. BURK.—*Journ. Theol. Stud.* i. 4. July.
- The date of the Life of St. Martial*: by C. F. BELLET [who reasserts, against L. Duchesne, his view that the Life belongs to the sixth, not the ninth, century].—*Rev. Qnest. hist.* lxxviii. 1. July.
- On John Malalas*: by J. HAURY [who shows that all that is recorded of him or indicated in his History agrees with what is known of the patriarch John Scholasticus].—*Byz. Zft.* ix. 2, 3.
- The legend of St. Afra and the 'Martyrologium Hieronymianum'*: by B. KRUSCH [against L. Duchesne. The writer assigns the martyrology to the first quarter of the seventh century and believes it to have been compiled at Luxeuil].—*Mitth. Oesterreich. Gesch.* xxi. 1.
- The forged 'Præceptum Dagoberti de fugitivis'* in favour of the abbey of St. Denis: by H. OMONT [who prints it from a new text of the tenth century, and shows that the subscriptions are taken from a diploma of Clovis II of 654].—*Bibl. École Chartes*, lxi. 1.
- An Echternach forgery*: by E. MÜHLBACHER [a document professing to have been granted by Pippin in 752].—*Mitth. Oesterreich. Gesch.* xxi. 2.
- The draught of a document of Charles the Great in Tironian notes*: by M. TANGL.—*Mitth. Oesterreich. Gesch.* xxi. 2.
- The History of Psellus*: by E. KURTZ [who supplies emendations and corrections of C. Sathas's text].—*Byz. Zft.* ix. 2, 3.
- The miracles of St. Aubert, bishop of Cambrai* [two treatises of the eleventh and twelfth centuries].—*Anal. Bolland.* xix. 2.
- Ari Thorgilsson, the Icelandic historian*: by W. A. CRAIGIE.—*Scott. Rev.* 71. July.
- A Latin poem on simony* [apparently written in France early in the twelfth century]: printed by E. DÜMMLER.—*N. Arch.* xxv. 3.
- Documents from the Vatican archives* [1198-c. 1338]: printed by J. SCHWALM [chiefly important for the time of Lewis the Bavarian].—*N. Arch.* xxv. 3.
- The legend of St. Francis of Assisi known as the 'Legenda trium Sociorum'* [compared with its sources].—*Anal. Bolland.* xix. 3.
- Chronological list of the English embassies to France during the hundred years' war*: by L. MIROR and E. DEPREZ [from materials in the Public Record Office]. III: 1399-1450.—*Bibl. École Chartes*, lxi. 1 (continued from lx. 2, 3, and concluded, with an index).

The 'Brevis Epistola' of Conrad von Gelnhausen: by H. KAISER [who prints the 'short letter' on the Great Schism, referred to in Conrad's well-known work on the subject, which has been discovered at Strassburg].—Hist. Vierteljahrschr. iii. 3.

Notes and documents on Louis XII and Lodovico Sforza: by L. G. PÉLISSIER, continued.—Arch. stor. Ital., 5th ser., xxv. 1.

The pseudonyms in Druffel and Brandi's 'Monumenta Tridentina': by G. BUSCH-BELL.—Hist. Jahrb. xxi. 2, 3.

Note on the original documents containing, or relating to, the proposals of the non-juring bishops for a 'concordate' with the eastern church [1716-1725]: by bishop J. DOWDEN.—Journ. Theol. Stud. i. 4. July.

Letters of Louis XVIII to the king of Spain and the emperor [printed from the archives of Madrid. The first, dated 3 June, 1793, requests Charles IV to receive the writer in Spain, whence he desires to influence the royalist movement in the south of France; the second, of the same date, requests the emperor to allow him to go as regent to those portions of French Hainault which had been conquered by the allies].—Révol. Franç. xix. 12. June.

Letters of Friedrich von Gents to English statesmen [1805-1808]: printed by A. STERN [from the Public Record Office].—Mitth. Oesterreich. Gesch. xxi. 1.

Recent Hittite discoveries: by colonel C. R. CONDER.—Scott. Rev. 71. July.

The death of St. John the Baptist: by S. SOLLERTINSKY [who argues that the account in Josephus is inaccurate and holds that the marriage of Herod Antipas with Herodias was dictated by political considerations].—Journ. Theol. Stud. i. 4. July.

The philosopher Seneca: by L. FRIEDLÄNDER [a biographical and critical essay showing the rhetorical purpose of Seneca's dramatic poetry, together with the points of contact and of essential difference between his philosophical thought and Christianity].—Hist. Zft. lxxxv. 2.

Rome and Byzantium [on the causes of the fall of the empire in the west as compared with its vitality in the east].—Quart. Rev. 383. July.

The Greek grammar of Roger Bacon: by J. L. HEIBERG [a detailed account of his Greek studies].—Byz. Zft. ix. 2, 3.

Cardinal Giovanni Dominici: by P. MANDONNET.—Hist. Jahrb. xxi. 2, 3.

An episode in the struggle between France and Spain: by A. SEGRE [on the quarrels between Carlo III of Savoy and Ferrante Gonzaga, viceroy of Milan, 1550-2].—Arch. stor. Lomb., 3rd ser., xxvi.

The overthrow of the Ming dynasty: by C. SAGLIO.—Rev. hist. lxxiv. 1. Sept.

The Anglo-French commercial treaty of 1713: by H. SCHORER.—Hist. Jahrb. xxi. 2, 3.

The United Provinces and George I of England: by T. BUSSEMAKER.—Bijdr. vaderl. Gesch. en Oudheidk., 4th ser., i. 3, 4.

Studies on the pontificate of Clement XI [1715-1716]: by F. POMETTI [on the war against the Turks].—Arch. R. Soc. Rom. xxiii. 1, 2.

Dubois and the alliance of 1717: by P. BLIARD. I: The negotiations at Hanover. II: The negotiations at the Hague.—Rev. Quest. hist. lxxviii. 1. July.

The responsibility for the capitulation of Malta in 1798: by the comte DE TOULGOËT [who does not acquit the grand master Hompesch].—Rev. Quest. hist. lxxviii. 1. July.

The blockade of Schlestadt in 1814: by A. CHUQUET.—Révol. Franç. xix. 10. April.

France

A 'charte-partie' [or indenture] of Henry I for the abbey of St. Geneviève at Paris: by R. GIARD.—Bibl. École Chartes, lxi. 2.

Letters patent of king John [London, 22 May 1360, relative to his ransom].—Bibl. École Chartes, lxi. 2.

History of the cathedral of Noyon: by E. LEFÈVRE-PONTALIS.—Bibl. École Chartes, lxi. 2, continued from lx. 4, 5.

- The historical value of Philippe de Commines*: by B. DE MANDROT.—Rev. hist. lxxiii. 2, lxxiv. 1. July, September.
- Margaret, duchess of Alençon, and Guillaume Briçonnet, bishop of Meaux, from their unpublished correspondence [1521-1524]*: by P. A. BECKER.—Bull. Soc. Hist. Protest. Franç. xlix. 8, 9. August, September.
- Clément Champion, valet de chambre to Francis I, and his plot against the king [1525]*: by G. SALLES.—Rev. Quest. hist. lxxviii. 1. July.
- Francis I and the protestants in 1535*: by V. L. BOURELLE.—Bull. Soc. Hist. Protest. Franç. xlix. 7-9. July-Sept.
- Henry IV's notification of his abjuration of protestantism addressed to the consuls of St. Antonin in Rouergue [25 July 1593]*: printed by C. DAUX [who holds that letters in the same terms were sent to the other protestant towns, though only this and that to La Rochelle are known to exist].—Rev. Quest. hist. lxxviii. 1. July.
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- The Lutherans of Alsace before the constituent assembly*: by A. LODS. [The rights of the protestants of Alsace guaranteed by the treaties of Westphalia, Nimeguen, Ryswick, and Baden, and frequently violated by the government of the *ancien régime*, were confirmed by the decree of 17 Aug. 1790, subsequently to which the Lutherans of Alsace 'deprived of all organisation lived in a kind of ecclesiastical anarchy.'—Révol. Franç. xix. 12. June.
- The divisions among the refractory clergy [1790-1802]*: by A. MATHIEZ.—Révol. Franç. xx. 1, 2. July, Aug.
- The composition of the committee of general security*: by J. GUILLAUME [giving a table of members].—Révol. Franç. xx. 2. Aug.
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- La République n'a pas besoin de savants* [a legendary phrase]: by J. GUILLAUME [arguing that Lavoisier's request for a respite in order that he might conclude some experiments and the reply of the judge were both the inventions of Grégoire].—Révol. Franç. xix. 11. May.
- An episode of the treason of Pichegru*: by G. CAUDRILLIER [an account of the mission of Fauche-Borel and Courant to Pichegru in August 1795, derived mainly from the archives of the Château de Chantilly. Pichegru received several letters from Condé, and once sent back an answer in his own hand, but was careful to confine himself to vague generalities, and declined all definite plans].—Révol. Franç. xx. 2. Aug.
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- The Hermunduri*: by L. SCHMIDT [who contests the opinion current among legal antiquaries that the Lex Thuringorum was only meant to apply to north-eastern Thuringia].—Hist. Vierteljahrschr. iii. 3.
- Forged Suabian documents of the tenth and twelfth centuries*: by J. LECHNER. [The earlier group consists of diplomas for Rheinau and Reichenau professing to have been granted by Lewis the German, Charles III, and Otto I; the later, of documents composed in various Suabian religious houses under the influence of Reichenau to resist the aggressions of the *Vögte*. The latter concern the monasteries of Reichenau, Kempten, Ottobeuren, Buchau, Rheinau, Lindau, and Stein am Rhein, and the chapter of Strassburg; and are all written in the same hand by the same forger].—Mitth. Oesterreich. Gesch. xxi. 1.
- On Norbert's 'Vita Bennonis'*: by F. PHILIPPI [who argues that, while there was a contemporary life of bishop Benno, which was known to Ertwin Ertmann and to Kleinsorgen, the existing life was forged late in the sixteenth century (before 1581), apparently by Johannes Klinkhamer].—N. Arch. xxv. 3.
- Contributions to the history and historical literature of Bohemia*: by A. BACHMANN. I: On Cosmas and his first continuator, and the chronicle of Sazawa.—Mitth. Oesterreich. Gesch. xxi. 2.
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- The rising of the Bavarian peasantry in the winter of 1633-1634*: by S. RIEZLER.—SB. Akad. Wiss. München (phil.-hist. Cl.), 1900, 1.
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The Netherlands and Belgium

Projects for the erection of the Netherlands into a kingdom under Philip II: by E. GOSSART [who prints the proposal of 1568, the object of which was to organise the provinces as a kingdom, without removing them from the direct rule of the king of Spain. The Thirteen Articles of 1567, attributed to Granvelle, are in fact translated from a Dutch pamphlet of German protestant origin].—Bull. Acad. Belg. 1900, 7.

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The emperor Nicholas and Poland in 1825-1831: by N. SHILDER, continued.—Russk. Star. June-August.

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Suworov's march through Switzerland [1799]: by H. HÜFFER. I: His plan of campaign. [Being prevented, in consequence of the archduke Charles's withdrawal from Switzerland, from crossing the St. Bernard, and by considerations of Austrian policy from taking the Splügen route, he had to choose the St. Gothard]. II: His information as to the road. [Evidence is given to show that he was aware of

the difficulty of the way after the road stopped at Altorf]. III: Lecourbe's supposed retreat from Hospenthal over the Bätzberg on 24 Sept. [Lecourbe was on that day at Altorf; but a detachment of his forces may have so retreated.] IV: The engagement at the Teufelsbrücke on 25 Sept. [The story of a cannonade or indeed of any fighting in the Urnerloch is rejected.] V: The battle in the Muotathal on 1 Oct. and adjutant-general Lacour [whose name has been a puzzle]. [Throughout the article great importance is attached to a diary, probably by colonel Weyrother, in the Vienna Kriegsarchiv.]—Mitth. Oesterreich. Gesch. xxi. 2.

The texts and authorship of the 'Relation raisonnée de la marche de l'armée de Suwaroff d'Italie en Suisse' [1799]: by E. LEUPOLD [who attributes it to the Piedmontese Charles Joseph Trinchieri].—Anz. Schweiz. Gesch. 1900, 2.

America and Colonies

French explorations before Christopher Columbus: by C. DE LA RONCIÈRE. I: L'Isle Vert [one of the Cape Verd islands visited by ships sent by Louis XI in 1483]. II: The voyage to the Indies. III: Jean Cousin [in connexion with whom the author disposes of the story that he discovered the mouth of the Amazon and the Cape of Good Hope in 1488-9].—Bibl. Ecole Chartes, lxi. 2.

The lines of demarcation of pope Alexander VI and the treaty of Tordesillas [1493-1494]: by S. E. DAWSON [who traverses certain statements in Harrisse's *Diplomatic History*, and explains the Simancas bull of 3 May as a mere draft never promulgated, while the bull of 4 May only confirmed each power in what it actually had, and allotted 'spheres of influence' in which they might pursue their discoveries without quarrelling].—Trans. of Royal Soc. of Canada, 2nd ser. v. 11.

Jacques Pronis and the French in Madagascar [1642-1655]: by H. FROIDEVAUX.—Rev. hist. lxxiii. 2. July.

Chatham's colonial policy: by H. HALL [showing, from unpublished correspondence, Chatham's methods of dealing with the American colonies].—Amer. Hist. Rev. v. 4.

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